

Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 3614. A bill for the relief of the Queen City Brewing Co.; without amendment (Rept. No. 2011). Referred to the Committee of the Whole House.

Mr. PATTON: Committee on Claims. H. R. 3639. A bill for the relief of Herman Weinert, Jr., M. D.; with an amendment (Rept. No. 2012). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK:

H. R. 5569. A bill to create an Indian Claims Commission, to provide for the powers, duties, and function thereof, and for other purposes; to the Committee on Indian Affairs.

By Mr. COLE of New York:

H. R. 5570. A bill to provide that the term of office of the Governor of Puerto Rico shall expire 60 days from the enactment of this act and at the end of each 4-year period thereafter; to the Committee on Insular Affairs.

By Mr. RAMSPECK:

H. R. 5571. A bill to omit or defer the required 5-year valuation of the civil-service retirement and disability fund for the duration of the present war and for 1 year thereafter; to the Committee on the Civil Service.

By Mr. FISH:

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress concerning hourly minimum wage standards; to the Committee on Banking and Currency.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROBINSON of Utah:

H. R. 5572. A bill for the relief of Thomas Sumner; to the Committee on Claims.

H. R. 5573. A bill for the relief of Ern Wright; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6226. By Mr. LUTHER A. JOHNSON: Petition of Rex B. Cruse, teacher of vocational agriculture, Ennis Independent School District, Ennis, Tex., favoring House bill 5079; to the Committee on Education.

6227. By Mr. JOSEPH M. PRATT: Resolution of the Chamber of Commerce and Board of Trade of Philadelphia on continuing the old-age and survivors insurance tax at 1 percent; to the Committee on Ways and Means.

6228. By the SPEAKER: Petition of James R. Allen, protesting on constitutional grounds his incarceration and denial of appeal; to the Committee on the Judiciary.

## SENATE

MONDAY, DECEMBER 4, 1944

(Legislative day of Tuesday, November 21, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Rev. Frederick E. Reissig, D. D., executive secretary, Washington Feder-

ation of Churches, Washington, D. C., offered the following prayer:

Eternal God, we come again to Thee today out of necessity; where else can we go, for Thou alone hast words of life for us, Thy bewildered and seeking children.

We come penitently, for our sins are ever before us, and our failures ever remind us that we have forgotten that without Thee we can do nothing.

We come soberly, for we walk in the valley of tragedy and tribulation. The sorrow of our homes is more than we can bear alone; the dangers are greater than we can encounter without Thy companionship; the temptations are beyond our own strength to resist; the burdens and cares and responsibilities are heavier than we can carry alone.

But, our Father, we come to Thee this hour, not only in penitence and soberness but also hopefully. Thou art the God of ages past and our hope for years to come. Thou dost go before us with light to dispel the darkness, with wisdom to overcome our ignorance, with power to overcome all that would hinder and stay us from doing Thy will.

We commit ourselves and our Nation and all Thy children to Thy keeping and leading. We have no fear in Thy presence.

In the name of Him who walked even to the Cross with fortitude and hope. Amen.

#### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Secretary, Edwin A. Halsey, read the following letter:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,

Washington, D. C., December 4, 1944.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. KENNETH MCKELLAR, a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

CARTER GLASS,

President pro tempore.

Mr. MCKELLAR thereupon took the chair as Acting President pro tempore.

#### THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, December 1, 1944, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on November 29, 1944, the President had approved and signed the following acts:

S. 887. An act conferring jurisdiction upon the United States District Court for the Western District of Virginia to hear, determine, and render judgment upon the claims of John Weakley and Reila Moyer;

S. 1226. An act for the relief of Charles T. Allen;

S. 1365. An act for the relief of J. C. Drewry;

S. 1451. An act to amend the act entitled "An act for the confirmation of the title to

the Saline lands in Jackson County, State of Illinois, to D. H. Brush, and others," approved March 2, 1861;

S. 1465. An act for the relief of Dr. A. R. Adams;

S. 1477. An act for the relief of Carl M. Frasure;

S. 1501. An act for the relief of the Rau Motor Sales Co.;

S. 1572. An act for the relief of Frank Robertson;

S. 1605. An act for the relief of Mr. and Mrs. John Borrego; Mr. and Mrs. Joe Silva; the legal guardian of Frank Borrego; the legal guardian of Rueben Silva; and the legal guardian of Rudolph Silva;

S. 1665. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of Guy F. Allen, chief disbursing officer;

S. 1709. An act for the relief of Mrs. Clark Gourley, administratrix of the estate of Clark Gourley;

S. 1717. An act for the relief of Luella F. Stewart;

S. 1763. An act for the relief of the Square D Co.;

S. 1766. An act for the relief of C. C. Thornton;

S. 1776. An act for the relief of L. C. Gregory;

S. 1905. An act for the relief of the estate of Walney A. Colvin, deceased;

S. 1983. An act for the relief of Mrs. Anna Runnebaum;

S. 1995. An act for the relief of Fred A. Dimler and Gwendolyn E. Dimler, his wife;

S. 2007. An act for the relief of Lum Jacobs;

S. 2031. An act for the relief of Lt. (T) P. J. Voorhies; and

S. 2069. An act for the relief of Irma S. Sheridan, postmaster at Rockville, Ore.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McLeod, one of its clerks, announced that the House had passed without amendment the bill (S. 2004) to amend the act entitled "An act to mobilize the production facilities of small business in the interests of successful prosecution of the war, and for other purposes," approved June 11, 1942.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3732) to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. WALTER, and Mr. HANCOCK were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTINGTON, Mr. ALLEN of Louisiana, Mr. ELLIOTT, Mr. CLASON, and Mr. CURTIS were appointed managers on the part of the House at the conference.

#### CREDENTIALS

The ACTING PRESIDENT pro tempore laid before the Senate the creden-

tials of CHARLES W. TOBEY, chosen a Senator from the State of New Hampshire for the term commencing January 3, 1945, which were read and ordered to be filed, as follows:

STATE OF NEW HAMPSHIRE,  
Executive Department.

To the PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 7th day of November 1944, CHARLES W. TOBEY was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1945.

Witness: His Excellency our Governor Robert O. Blood, and our seal hereto affixed this 22d day of November 1944.

By the Governor:

ROBERT O. BLOOD,  
Governor.

[SEAL]

ENOCH D. FULLER,  
Secretary of State.

Mr. LA FOLLETTE. Mr. President, I present the credentials of my colleague, the junior Senator from Wisconsin, for appropriate disposition.

The credentials of ALEXANDER WILEY, chosen a Senator from the State of Wisconsin for the term commencing January 3, 1945, were read and ordered to be filed, as follows:

UNITED STATES OF AMERICA,  
THE STATE OF WISCONSIN,  
Executive Department.

To the PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 7th day of November 1944, ALEXANDER WILEY was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, commencing on the 3d day of January 1945.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed. Done at

the capitol, in the city of Madison, this 29th day of November, in the year of our Lord 1944.

By the Governor:

WALTER S. GOODLAND,  
Governor.

[SEAL]

FRED R. ZIMMERMAN,  
Secretary of State.

Mr. BROOKS. Mr. President, I have the pleasure of sending to the desk the credentials of my colleague the senior Senator from Illinois [Mr. LUCAS], who has been honored by the people of Illinois by reelection to the Senate of the United States for a second term, commencing January 3, 1945.

The credentials were read and ordered to be filed, as follows:

STATE OF ILLINOIS

To the PRESIDENT OF THE SENATE OF THE UNITED  
STATES:

This is to certify that on the 7th day of November, 1944, SCOTT W. LUCAS was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1945.

Witness: His Excellency our Governor, Dwight H. Green, and our seal hereto affixed at Springfield this 29th day of November, in the year of our Lord 1944.

By the Governor:

DWIGHT H. GREEN,  
Governor.

[SEAL]

RICHARD YATES ROWE,  
Secretary of State.

#### FLOOD-CONTROL PROJECTS—PRINTING OF BILL

Mr. OVERTON. Mr. President, I ask unanimous consent that the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, be printed with the Senate amendments numbered.

THE ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### WATER SUPPLY OF SAN DIEGO COUNTY, CALIF. (S. DOC. NO. 249)

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a communication from the President of the United States, dated November 29, 1944, transmitting a report relative to the emergency in the water supply of San Diego County, Calif., which will be referred, with the accompanying report, to the Committee on Irrigation and Reclamation and printed.

#### EXECUTIVE COMMUNICATION

The ACTING PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

#### SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report stating all of the facts and pertinent provisions of law in the cases of 313 individuals whose deportation has been suspended for more than 6 months under authority of law, together with a statement of the reason for such suspension (with accompanying papers); to the Committee on Immigration.

#### PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The ACTING PRESIDENT pro tempore laid before the Senate monthly reports from the chairmen of certain Senate committees, made in response to Senate Resolution 319, agreed to August 23, 1944, relative to persons employed who are not full-time employees of the Senate or any committee thereof, which were ordered to lie on the table and to be printed in the RECORD, as follows:

#### WAR CONTRACTS SUBCOMMITTEE, SENATE MILITARY AFFAIRS COMMITTEE

DECEMBER 1, 1944.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1944, in compliance with the terms

of Senate Resolution No. 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Borchardt, Kurt.....	1385 Nicholson St. NW., Washington, D. C.....	Smaller War Plants Corporation, Washington, D. C.....	\$5,600
Gross, Bertram M.....	613 South Quincy St., Arlington, Va.....	Navy Department, Washington, D. C.....	6,500
Phippen, Doris.....	Frankfort Hall, 40 Plattsburg Court NW., Washington, D. C.....	do.....	2,100
Regnier, Omer.....	209 Franklin Ave., Silver Spring, Md.....	Farm Security Administration, Washington, D. C.....	3,800
Ruben, Edna.....	1243 Holbrook Terrace NE., Washington, D. C.....	Reconstruction Finance Corporation, Washington, D. C.....	2,300

JAMES E. MURRAY, *Chairman.*

#### SPECIAL COMMITTEE TO STUDY AND SURVEY PROBLEMS OF SMALL BUSINESS ENTERPRISES

DECEMBER 1, 1944.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1944, in compliance with the terms

of Senate Resolution No. 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Cheney, Brainard.....	3418 Highwood Dr. SE., Washington, D. C.....	Foreign Economic Administration, Washington, D. C.....	\$6,500
Crivella, Agnes E.....	1408 Buchanan St. NW., Washington, D. C.....	War Production Board, Washington, D. C.....	2,700
Devitt, Emerald G.....	2425 27th St. South, Arlington, Va.....	do.....	2,000
Digges, Elsie A.....	120 C St. NE., Washington, D. C.....	do.....	1,800
Evans, Harry J.....	3010 Gainsville St. SE., Washington, D. C.....	Reconstruction Finance Corporation, Washington, D. C.....	6,500
Forbes, F. Preston.....	510 Four Mile Rd., Alexandria, Va.....	Department of Commerce, Washington, D. C.....	4,600
Fuller, Carol M.....	2101 S St. NW., Washington, D. C.....	Office of Price Administration, Washington, D. C.....	2,100
Gray, Scott K., Jr.....	119 Joliet St. SW., Washington, D. C.....	Reconstruction Finance Corporation, Washington, D. C.....	4,600
Groeper, Stella J.....	1127 Branch Ave. SE., Washington, D. C.....	War Production Board, Washington, D. C.....	2,600
Heckard, Dorothy M.....	Shreve Rd., Falls Church, Va.....	do.....	2,000



## SPECIAL COMMITTEE TO STUDY AND SURVEY PROBLEMS OF SMALL BUSINESS ENTERPRISES—continued

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Kimball, Kathleen	1701 Park Rd NW., Washington, D. C.	War Production Board, Washington, D. C.	\$2,000
Lucas, Elizabeth P.	1730 North Quincy St., Arlington, Va.	do.	1,800
Miller, Lois M.	3120 Massachusetts Ave. SE., Washington, D. C.	do.	2,600
Nelson, John W.	1445 Ogden St. NW., Washington, D. C.	do.	5,600
Purdy, Grace F.	230 Rhode Island Ave. NE., Washington, D. C.	Office of Price Administration, Washington, D. C.	3,200
Silverman, Arthur G.	719 D St. NE., Washington, D. C.	do.	5,600
Soule, George H., Lt. (Jr. Gr.)	4620 Beecher St. NW., Washington, D. C.	Navy Department, Washington, D. C.	2,000
Spicer, Lillian Evelyn	1433 Decatur St. NW., Washington, D. C.	War Production Board, Washington, D. C.	2,600
Steckman, Frederick W.	4000 Cathedral Ave., Washington, D. C.	Maritime Commission, Washington, D. C.	4,600
Strubel, Margie L.	4632 12th St. NE., Washington, D. C.	War Production Board, Washington, D. C.	1,800
Thurman, Allen G.	201 East Shepherd St., Chevy Chase, Md.	Maritime Commission, Washington, D. C.	6,500
Van Tassel, Alfred J.	1622 Mount Eagle Pl., Alexandria, Va.	War Production Board, Washington, D. C.	6,500
Yelenesies, Olga	2400 13th St. NW., Washington, D. C.	do.	2,000

JAMES E. MURRAY, *Chairman.*

## COMMITTEE ON NAVAL AFFAIRS

DECEMBER 1, 1944.

*To the Senate:*

The above-mentioned committee hereby submits the following report showing the

names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1944, in compliance with the terms

of Senate Resolution No. 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Capt. Jama A. Saunders U. S. Navy (retired.)	4105 Oliver St., Chevy Chase, Md.	Office of the Chief of Naval Operations, Navy Department, Washington, D. C.	\$6,000
Chief Yeoman Herbert S. Atkinson (A. A.), U. S. Naval Reserve.	2405 Pennington Rd., Trenton, N. J.	Bureau of Naval Personnel, Navy Department, Washington, D. C.	1,512

DAVID I. WALSH, *Chairman.*

## SENATE NAVY LIAISON OFFICE, ROOM 461, SENATE OFFICE BUILDING

DECEMBER 1, 1944.

*To the Senate:*

The above-mentioned committee hereby submits the following report showing the

name of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1944, in compliance with the terms

of Senate Resolution No. 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Lt. Frederick A. McLaughlin, U. S. Naval Reserve.	5305 41st St. NW., Washington, D. C.	Bureau of Naval Personnel, Navy Department, Washington, D. C.	\$2,400
Lt. Joseph G. Feeney, U. S. Naval Reserve.	2745 29th St. NW., Washington, D. C.	do.	2,400
Yeoman Second Class Eleanor W. St. Clair, U. S. Naval Reserve.	2134 R St. NW., Washington, D. C.	do.	1,152
Yeoman Second Class Loretto F. Jochman, U. S. Naval Reserve.	do.	do.	1,152

The above employees are representatives of the Bureau of Naval Personnel, Navy Department, to assist Senators on naval personnel matters.

DAVID I. WALSH, *Chairman.*

## COMMITTEE ON PENSIONS

NOVEMBER 29, 1944.

*To the Senate:*

The above-mentioned committee hereby submits the following report showing the

name of person employed by the committee who is not a full-time employee of the Senate or of the committee for the month of November 1944, in compliance with the terms

of Senate Resolution No. 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Louis J. Meyerle	612 Bennington Drive, Silver Spring, Md.	Veterans' Administration	\$5,000

JAMES M. TUNNELL, *Chairman.*COMMITTEE ON PUBLIC  
LANDS AND SURVEYS,  
December 1, 1944.*To the Senate:*

The above-mentioned committee hereby submits the following report showing the name of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1944, in compliance with the terms of

Senate Resolution No. 319, agreed to August 23, 1944:

CARL A. HATCH, *Chairman.*  
By W. H. McMains, *Clerk.*

DECEMBER 1, 1944.

Memorandum to Senator CARL A. HATCH, chairman, Senate Committee on Public Lands and Surveys.

From Senator PAT McCARRAN, chairman of the Subcommittee to Investigate Certain Public Lands.

The following persons are detailed from the Forest Service Department of Agriculture, to assist with the work of the above subcommittee:

E. S. Haskell, senior administrative officer, Forest Service, CAF-12; basic salary, \$5,000 per year.

Elizabeth Heckman, clerk, CAF-5; basic salary, \$2,000 per year.

## SUBCOMMITTEE ON WARTIME HEALTH AND EDUCATION

DECEMBER 1, 1944.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of December, in compliance with the terms

of Senate Resolution No. 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Lauretta April	2714 Quarry Rd. NW., Washington, D. C.	War Production Board, 3d and Independence Ave. SW.	\$3,200
Philip C. Curtis	4303 Russell Ave., Mt. Rainier, Md.	Navy Department, 18th and Constitution Ave. NW.	3,800
Rose Gerber	2513 14th St. NE., Washington, D. C.	do.	2,000
Doris B. Hazur	5018 25th St. North, Arlington, Va.	Office of Price Administration, 2d and D Sts. SW.	2,600
Harald Lund	476 N St. SW., Washington, D. C.	Navy Department, 18th and Constitution Ave. NW.	6,200
Carl Malmberg	1813 F St. NW., Washington, D. C.	Federal Security Agency, 1825 H St. NW.	5,600
Love Morgan	1607 18th St. SE., Washington, D. C.	Veterans' Administration, Vermont Ave. and I St. NW.	2,000
Ruth Morgenstein	3022 Rodman St. NW., Washington, D. C.	do.	2,600
Dolores Raschella	3028 Wisconsin Ave. NW., Washington, D. C.	Federal Public Housing Administration, 1001 Vermont Ave. NW.	2,000
Renee Roth	1614 North Queen St., Arlington, Va.	Federal Works Agency, 18th and C Sts. NW.	2,600
Lt. Leslie Falk, A. U. S., M. C.	2804 Terrace Rd. SE., Washington, D. C.	Pentagon Building, U. S. Army	2,000
Lt. Comdr. John B. Truslow, M. C., U. S. Naval Reserve.	2007 Peabody St., West Hyattsville, Md.	U. S. Navy, 18th and Constitution Ave. NW.	3,000

CLAUDE PEPPER, Chairman.

## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate by the Acting President pro tempore and referred as indicated:

A resolution by the council of the city of Toledo, Ohio, endorsing the St. Lawrence seaway project; to the Committee on Commerce.

A petition of sundry citizens (veterans of World War No. 1), of Puerto Rico, relating to the independence of Puerto Rico, and praying for consideration of the problem of Puerto Rican veterans; to the Committee on Territories and Insular Affairs.

## THE INSURANCE BUSINESS—PETITION FROM KANSAS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD, and appropriately referred, a petition I have received from Dodge City, Kans. This petition, numerously signed by citizens of Dodge City, expresses their interest in the passage of the Walter-Hancock bill (H. R. 3270) or the Bailey-Van Nuys bill (S. 1362). They feel that the insurance business can be handled more readily through local supervision than through Washington. I approve the stand they have taken on this proposed legislation.

There being no objection, the petition was ordered to lie on the table and the body thereof was ordered to be printed in the RECORD, as follows:

We, the undersigned legal voters of the State of Kansas, respectfully petition our Hon. Senators ARTHUR CAPPER and CLYDE M. REED to vote and work for the passage of the Walter-Hancock bill (H. R. 3270) or the Bailey-Van Nuys bill on the Senate Calendar, without amendments other than those which would exclude insurance from operation of Federal Trade Commission Act and Robinson-Patman Act.

We believe that through the supervision by the Kansas State Insurance Department and through the cooperation of that department with the Kansas Inspection Bureau, Kansas State Fire Prevention Association, and the insurance companies licensed to operate in the State of Kansas, the interests of the insuring public can best be served.

We further believe that the insurance business is of such a nature that it can be handled to the best advantage through local supervision than through a board or commission located in Washington, D. C.

## ST. LAWRENCE SEAWAY—ENDORSEMENT BY THE NATIONAL GRANGE

Mr. CAPPER. Mr. President, at its seventy-eighth annual session at Win-

ston-Salem, N. C., from November 15 to 23, 1944, the National Grange reaffirmed its action at the 1943 session, endorsing the St. Lawrence seaway and power project.

The resolution adopted at the seventy-eighth annual session is as follows:

We approve of the action of the 1943 session regarding the St. Lawrence waterway.

The action of the 1943 session referred to and reaffirmed in this resolution was as follows:

Whereas the National Grange has for years advocated the completion of the St. Lawrence seaway, nearly 90 percent of which is already completed, and opening this wonderful artery of commerce to carry the products of the interior of our country to the markets of the world at reduced costs; and

Whereas the completion of this project would permit the development of vast electrical energy, now going to waste in the on-rushing waters of this mighty river, resulting in cheaper electric power to all our people; and

Whereas there is legislation now pending in Congress to bring this project to completion as soon as material and labor are available: Therefore be it

Resolved, That the National Grange reaffirms its position favoring completion of this project for navigation and power purposes.

I ask that the resolution of the National Grange may be appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, the resolution referred to by the Senator from Kansas will be referred to the Committee on Commerce.

## REPORT OF AGRICULTURE AND FORESTRY COMMITTEE DURING RECESS

Under authority of the order of the 1st instant,

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 4911) to amend the Federal Crop Insurance Act, reported it on December 2, 1944, with amendments, and submitted a report (No. 1298) thereon.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOWNEY, from the Committee on Civil Service:

S. 2201. A bill to provide for health programs for Government employees; without amendment (Rept. No. 1299); and

H. R. 4918. A bill to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service; with amendments (Rept. No. 1300).

By Mr. HATCH, from the Committee on the Judiciary:

H. R. 5518. A bill to amend section 119 of the Judicial Code; without amendment (Rept. No. 1302); and

H. R. 4993. A bill to amend Public, No. 507, Seventy-seventh Congress, second session, an act to further expedite the prosecution of the war, approved March 27, 1942, known as the Second War Powers Act, 1942; without amendment (Rept. No. 1301).

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

H. R. 5029. A bill to assist in the internal development of the Virgin Islands by the undertaking of useful projects therein, and for other purposes; with amendments (Rept. No. 1304).

## REGISTRATION AND PROTECTION OF TRADE-MARKS—REPORT OF PATENTS COMMITTEE

Mr. HILL. Mr. President, on behalf of the junior Senator from Florida [Mr. PEPPER], chairman of the Committee on Patents, I ask consent to report back from that committee, with amendments, the bill (H. R. 82) to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, and I submit a report (No. 1303) thereon.

Mr. WHITE. Mr. President, may I ask the distinguished leader whether the report was agreed to at a meeting of the committee? I am a member of the Committee on Patents, and I have had no notice of any meeting.

Mr. HILL. I cannot advise the Senator. All I know is that the report was presented as a report of the Committee on Patents, and in the absence of the chairman, the junior Senator from Florida [Mr. PEPPER], I was asked to file the report in his name. If the Senator from Maine wishes to inquire into the matter, I shall be glad to withhold the report temporarily.

Mr. WHITE. If the request is merely that the report may be filed, I shall not object to it at the moment.

Mr. HILL. That is the request.

Mr. WHITE. But I want it definitely understood that I am not agreeing that there was any meeting of the committee,



any notice of a meeting, or any committee action with respect to the proposed legislation.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received and the bill will be placed on the calendar.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHITE (for Mr. BREWSTER):

S. 2208. A bill providing for the transfer of certain property from the Home Owners' Loan Corporation to the United States for national park purposes; to the Committee on Public Buildings and Grounds.

By Mr. MEAD:

S. 2209. A bill establishing wage differential for leadingmen and quartermen at all naval establishments; to the Committee on Naval Affairs.

#### RIVER AND HARBOR IMPROVEMENTS—AMENDMENTS

Mr. VANDENBERG submitted an amendment intended to be proposed by him to the bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. MEAD submitted two amendments intended to be proposed by him to House bill 3961, supra, which were ordered to lie on the table and to be printed.

#### THE GLOBAL ALPHABET

Mr. THOMAS of Oklahoma. Mr. President, I ask permission to present a statement prepared by former Senator Robert L. Owen, of my State. The statement is in further explanation of the global phonetic alphabet designed by former Senator Owen. I ask that the statement be printed as a Senate document, with illustrations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### REMARKS OF EDWIN CAMP ON ONE HUNDRED AND SIXTY-NINTH ANNIVERSARY OF CREATION OF UNITED STATES MARINE CORPS

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD the radio address made by Hon. Edwin Camp on the one hundred and sixty-ninth anniversary of the creation of the U. S. Marine Corps by the Continental Congress, on the Atlanta Journal program, November 9, 1944, which appears in the Appendix.]

#### POST-WAR PEACE AND AN ASSOCIATION OF NATIONS

[Mr. DANAHER asked and obtained leave to have printed in the RECORD an extract containing recommendations of the American Legion executive committee relating to post-war peace, together with an editorial from the Hartford Courant of November 24, 1944, relating to the same subject, which appear in the Appendix.]

#### TRIBUTE TO ALFRED EMMANUEL SMITH

[Mr. MEAD asked and obtained leave to have printed in the RECORD an editorial entitled "Alfred Emmanuel Smith," from the Catholic Sun, of Syracuse, N. Y., of October 5, 1944, and an editorial entitled "A Challenge to Bigotry," from the Post-Standard, of Syracuse, N. Y., of October 6, 1944, which appear in the Appendix.]

#### REPORT ON POST-WAR TRANSPORTATION OF MAIL

[Mr. MEAD asked and obtained leave to have printed in the RECORD a report on post-war transportation of mail by the executive committee of the Railway Mail Association, which appears in the Appendix.]

#### ST. LAWRENCE RIVER DEVELOPMENT—EDITORIAL FROM THE CHRISTIAN SCIENCE MONITOR

[Mr. LANGER asked and obtained leave to have printed in the RECORD an editorial entitled "Who Opposes St. Lawrence Plan Now?" from the Christian Science Monitor of December 2, 1944, which appears in the Appendix.]

#### MRS. EUGENE W. RANDALL

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1471) for the relief of Mrs. Eugene W. Randall, which was, on page 1, line 6, to strike out "\$1,000" and insert "\$2,500."

Mr. SHIPSTEAD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### SIGFRIED OLSEN—SIGFRIED OLSEN SHIPPING CO.

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 2825) for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. O'DANIEL, Mr. STEWART, and Mr. WHERRY conferees on the part of the Senate.

#### OFFICE OF DISTRICT JUDGE IN NEW JERSEY

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 3732) to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HATCH. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HATCH, Mr. CHANDLER, and Mr. DANAHER conferees on the part of the Senate.

#### CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	Overton
Austin	Green	Radcliffe
Bailey	Guffey	Reed
Ball	Gurney	Revercomb
Bankhead	Hall	Reynolds
Bilbo	Hatch	Robertson
Brooks	Hayden	Russell
Euck	Hill	Shipstead
Burton	Holman	Stewart
Bushfield	Jenner	Taft
Butler	Johnson, Calif.	Thomas, Okla.
Byrd	Johnson, Colo.	Tunnell
Capper	Kilgore	Tydings
Caraway	La Follette	Vandenberg
Chandler	Langer	Wagner
Clark, Mo.	Lucas	Wallgren
Connally	McFarland	Walsh, Mass.
Cordon	McKellar	Walsh, N. J.
Danaher	Maloney	Weeks
Davis	Maybank	Wheeler
Downey	Mead	Wherry
Eastland	Millikin	White
Ellender	Murray	Wiley
Ferguson	Nye	Willis
George	O'Daniel	
Gerry	O'Mahoney	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Arkansas [Mr. McCLELLAN] are absent from the Senate because of illness.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Utah [Mr. MURDOCK] are detained on official business for the Senate.

The Senator from Florida [Mr. PEPER] is absent on important public business.

The Senator from Kentucky [Mr. BARKLEY] and the Senator from New Mexico [Mr. CHAVEZ] are unavoidably detained.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from Nevada [Mr. SCRUGHAM], the Senator from Utah [Mr. THOMAS], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. HAWKES], the Senator from Oklahoma [Mr. MOORE], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Iowa [Mr. WILSON].

The PRESIDING OFFICER (Mr. McFARLAND in the chair). Seventy-six Senators having answered to their names, a quorum is present.

#### RIVER AND HARBOR IMPROVEMENTS

The Senate resumed the consideration of the bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the Committee amendment, on page 17, after line 5, which will be stated.

The CHIEF CLERK. On page 17, after line 5, it is proposed to insert:

Waterway connecting the Tombigbee and Tennessee Rivers; in accordance with the recommendation of the Board of Engineers for Rivers and Harbors in the report submitted in House Document No. 269, Seventy-sixth Congress.

Mr. BILBO. Mr. President, there having been six surveys of this project already, I think it is time we passed the item, and did not spend any more of the taxpayers' money in surveying.

Mr. President, the waterway connecting the Tombigbee and Tennessee Rivers, to be constructed in accordance with the recommendation of the Board of Engineers for Rivers and Harbors in the report submitted in House Document Numbered 269, Seventy-sixth Congress, is one of the greatest developments of its kind ever proposed. There has been only one other project of similar character in the history of the world that I know anything about, and that is the famous connecting link between the Don and Volga Rivers in Russia, by which two of the great river systems of that great country were united, or brought together. This vital project is included in the Rivers and Harbors bill (H. R. 3961) and I feel confident that when the importance of the measure providing for this waterway is understood by the Congress it will be enacted into law.

Not only will the proposed Tennessee-Tombigbee Inland Waterway be of benefit to northeast Mississippi and that immediate section of the country, but it will be of immeasurable value to the entire Mississippi Valley, from New Orleans and Mobile to Memphis, Cairo, St. Louis, Chicago, St. Paul, Minneapolis, on the Mississippi; Omaha and Sioux City on the Missouri; Paducah, Cincinnati, Wheeling, and Pittsburgh, on the Ohio; and all points on the Tennessee River from Paducah to Knoxville, as well as all points up to Nashville on the Cumberland.

In the survey report by the special Board of Engineers—House Document 269, page 12—it is pointed out that the ridge which divides the Tennessee Valley from the headwaters of the Tombigbee River in northeastern Mississippi is located from 15 to 18 miles south of the Tennessee River. Opposite a point in the divide where the waters of Yellow Creek flow northward and empty into the Tennessee River, the waters of Mackeys Creek flow southward and empty into the East Fork of the Tombigbee River. Although the elevation of the divide at this point is 60 feet above the lowest known saddle, the absence of rock in the ridge provides the most favorable location for the proposed waterway between the Tennessee and Tombigbee Rivers. The connection with the Tennessee River would be made by a cut about 27 miles long following Yellow Creek Valley to the divide, thence across the divide to Mackeys Creek. South of the divide the waterway would follow Mackeys Creek, the East Fork of the Tombigbee River, and the Tombigbee River to Demopolis, Ala., from which point the existing improved waterways to Mobile would be utilized.

This proposed waterway will afford an additional means of interchange of commerce between the Gulf Intracoastal Waterway and the Tombigbee-Warrior system, on the one hand, and the Tennessee, Ohio, and Mississippi River systems on the other. There is no other known project that will yield greater returns in shortening transportation

distances and in reducing transportation costs than the Tennessee-Tombigbee Inland Waterway.

A round trip for a barge tow or a boat from Cairo, Ill., to New Orleans down the Mississippi, thence across to Mobile along the existing intracoastal waterway, thence up the Tombigbee Inland Waterway to the Tennessee River into Pickwick Lake, thence down the Tennessee to Paducah and thence down the Ohio to the starting point at Cairo, would be 1,768 miles, of which 1,121 miles would be downstream. Traffic would go down the Mississippi in order to take advantage of the swift current, but on the return trip it would go up the Tombigbee to avoid that current.

The Army engineers provide us with the facts and figures showing the tremendous savings as well as the feasibility of this great project which can be constructed at a cost of approximately \$66,000,000.

My friend the Senator from Michigan [Mr. VANDENBERG] placed great emphasis upon the figure \$75,000,000, but the Army Engineers' estimate is \$66,000,000. The Senator tried to include in the cost the interest or carrying charges during the period of construction. That is done in connection with the larger projects, but not in connection with the smaller projects, and by comparison with the St. Lawrence waterway, which would cost four or five hundred million dollars, I rather think this is a small project.

In his testimony before the subcommittee of the Committee on Commerce of the Senate, on April 27, 1944, Maj. Gen. Thomas M. Robins, Assistant Chief of Army Engineers, had this to say—and I want to impress this upon the minds of my colleagues:

If we came up here and submitted a report recommending a project for slack water on the Mississippi between Cairo and New Orleans, by building locks and dams on the Mississippi River itself at an estimated cost of \$66,000,000, I think you would all take off your hats and cheer. This alternate route on the Tombigbee we are recommending amounts to the same thing, only the locks and dams are to be built on the Tombigbee instead of the Mississippi. There is no greater tangible saving than that which will accrue from use of the Tennessee-Tombigbee route instead of the Mississippi for the upstream traffic. This saving, as estimated in House Document No. 269, is \$1,000,000. It is very conservative, and should be doubled on account of the increase that has taken place in upstream traffic on the Mississippi River.

My friend the Senator from Michigan in his remarks the other day placed great emphasis upon the fact that we were called upon to vote upon a proposition which was based precisely—and how many times he repeated the word "precisely"—upon the facts and conditions upon which we voted 5 years ago. He was totally unobservant of what the Assistant Chief of Engineers had said, as found in the hearings before the Senate committee of which I am a member, and the Senator was oblivious to all the facts that are evident today, which more than justify and make this one of the most economically sound propositions that has been before the Senate.

General Robins, in his testimony before the committee, continued:

Taking into account all the changed conditions since the report before the committee was prepared, there is a total tangible saving today of \$4,000,000 a year for this project, and the carrying charges on this project are \$3,500,000.

That is the interest charge.

From the information that is officially available to this committee, there is no question in my mind but that the Tennessee-Tombigbee project is economically sound without considering recreation or national defense or enhanced land values or any other intangible benefits.

Mr. President, I do not see how Members of the Senate who are in the habit of voting upon the recommendation of the Board of Army Engineers can hesitate in voting for this project, when the Assistant Chief of Engineers at this time—mark you, this time—says that this project will show an income to the American people of \$4,000,000 a year, whereas in House Document No. 269, which contains the report of the Board of Engineers for Rivers and Harbors, made 5 years ago, the facts and conditions then justified the Board in saying that the figure would be \$1,000,000. It has now jumped to \$4,000,000. The project is economically sound from every standpoint known to the Board of Army Engineers, eliminating all the intangibles, such as recreational facilities, improvement of land, improvement of the condition of the country, and so on.

The Army engineers point out that a 1,200-horsepower Diesel towboat pulling the usual 8 barges with a mixed cargo of 3,500 revenue tons going from New Orleans to Cairo up the Mississippi 860 miles, would use \$6,273 worth of fuel; while the same outfit with the same load going from New Orleans to Cairo via the Tombigbee route would use \$3,504 worth of fuel and spend \$364 for passing through the various locks, making a total of \$3,868, or a saving of \$2,406 for each up-bound trip, Cairo to New Orleans.

A similar load going from New Orleans to the mouth of Yellow Creek on the Tennessee River via the Mississippi, Ohio, and Tennessee Rivers, 1,121 miles, would spend \$7,280 on fuel and \$44 lockage, or a total of \$7,324; while going from New Orleans to the mouth of Yellow Creek via the Tombigbee route, a distance of only 647 miles, the fuel cost would be \$2,487, with \$320 lockage charges, making a total of \$2,817, or a saving of \$4,507 in favor of the Tombigbee route.

If the barges were going from Mobile, then the fuel and lockage costs to Cairo would be cut from \$6,875 via the Mississippi River route to \$3,585 via the Tombigbee, or a saving on such trip of \$3,290. On the trip to the mouth of Yellow Creek, or Pickwick Lake, the cost would be cut from \$7,926 via the Mississippi River route to \$2,534 via the Tombigbee route, or a saving of \$5,392, on every such load going to any point on the Tennessee River from Pickwick to Knoxville.

Such a load going from Birmingham to Cairo would have such costs cut from \$8,737 via the Mississippi River route, to \$3,289 via the Tombigbee route, or a



saving of \$5,448 on every such load going along this route.

Going from Birmingham to Paducah, or to any point on the Ohio above Paducah up to Pittsburgh or to Nashville on the Cumberland, such costs on each trip for such a load up to Paducah would be cut from \$8,936 via the Mississippi River route to \$3,386 via the Tombigbee route—a saving of \$5,847.

The cost from Columbus, Miss., to Cairo for such a load would be cut from \$8,353 via the Mississippi River route to \$1,789 via the Tombigbee route—or a saving of \$6,564.

The Army engineers have said that this is one of the greatest projects of its kind in the world. It will be of untold value to the people of many different States and it will injure no one at all. This project, in addition to the savings which have already been pointed out, will also be of great value to our program of national defense. This and many other benefits which cannot be estimated in dollars and cents will accrue to our people as a result of the Tennessee-Tombigbee Inland Waterway.

This project is also designed to take up the slack in unemployment which will come following the close of the war. It is estimated that the construction of this waterway will employ between five and six thousand men for a period of 6 or 7 years. This will be useful and beneficial work that will help to make greater and more powerful this Nation that our men and women are now fighting the world over to preserve and protect.

During his testimony before the Committee on Rivers and Harbors in the House of Representatives on Wednesday, October 20, 1943, Col. P. A. Feringa, United States Army, resident member, Board of Engineers for Rivers and Harbors, submitted certain tables. I shall not take the time of the Senate to explain these tables, the purpose of which is to show the distances which will be saved by all the boats and barges which traverse the rivers of our Nation in carrying on the commerce of the Nation, but I ask unanimous consent that they be included as a part of my remarks at this point in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

*Distances to Gulf ports via Tennessee-Tombigbee waterway*

From—	To Gulf at New Orleans via Mississippi River	To Gulf at Mobile via Tennessee-Tombigbee	Savings	
			Miles	Percent
Minneapolis-St. Paul....	1,718	1,610	108	6
Chicago.....	1,398	1,290	108	7½
St. Louis.....	1,043	935	108	10
Cairo.....	860	752	108	12½
Hickman.....	824	788	36	4
Pittsburgh.....	1,841	1,641	200	11
Cincinnati.....	1,379	1,179	200	14½
Louisville.....	1,236	1,036	200	16
Paducah.....	906	706	200	22
Chattanooga.....	1,370	740	630	46
Wilson Dam.....	1,165	535	630	54
Junction of Tennessee River and Tombigbee Canal.....	1,121	491	630	56.2

*Distances via Tennessee-Tombigbee waterway versus existing water routes*

From—	To—	Distance via present waterways	Distance via Tennessee-Tombigbee	Savings in miles via Tennessee-Tombigbee	
Junction of Tennessee River and Tombigbee Canal.....		Miles	Miles	Miles	Percent
Fulton, Miss.....		1,711	57	1,654	96.7
Aberdeen, Miss.....		1,673	95	1,578	94.3
Columbus, Miss.....		1,635	133	1,502	91.9
Demopolis, Ala.....		1,507	261	1,246	82.7
Birmingham, Ala.....		1,687	441	1,246	73.9

Mr. BILBO. Mr. President, I wish to call attention to the comparative average costs of water transportation via existing routes and via the proposed Tombigbee-Tennessee waterway. The following computations are based on the average performance of a representative tow of one 1,200-horsepower Diesel towboat and eight barges of various standard types and dimensions loaded with a typical mixed cargo, at 55 percent load factor, of 3,500 revenue tons, to and from locations previously mentioned. I ask unanimous consent to have these tables printed in the Record at this point as a part of my remarks. They illustrate the savings to be effected.

There being no objection, the tables were ordered to be printed in the Record, as follows:

Over-all cost per hour.....	\$21.25
Average speed of tow in slack water (miles).....	5½
Cost per mile in slack water.....	\$3.86
Average current in Mississippi River below Cairo (miles per hour).....	2½
Cost per mile against 2½ miles per hour current.....	\$7.08
Cost per mile with 2½ miles per hour current.....	2.06
Average lockage time:	
Tennessee-Ohio River section, 30 minutes.....	11.00
Tombigbee section, 45 minutes.....	16.00
Warrior section, 1 hour.....	21.00

New Orleans to Cairo via Mississippi River, 860 miles in slack water (no lockages)..... 6,273.00

New Orleans to Cairo via Tombigbee-Tennessee, 908 miles in slack water, \$3,504; 24 lockages, \$364..... 3,868.00

Saving in cost per trip in favor of Tombigbee route..... 2,405.00

New Orleans to Paducah via Mississippi River:  
886 miles against current..... 6,273.00  
46 miles in slack water..... 177.00  
2 lockages..... 22.00  
6,472.00

New Orleans to Paducah via Tombigbee-Tennessee:  
862 miles in slack water..... 3,327.00  
22 lockages..... 342.00  
3,669.00

Saving in cost per trip in favor of Tombigbee route..... 2,803.00

New Orleans to junction of Tombigbee Canal with Tennessee River via Mississippi River:  
826 miles against current..... 6,273.00  
261 miles in slack water..... 1,077.00  
4 lockages..... 44.00  
7,324.00

New Orleans to junction of Tombigbee Canal with Tennessee River via Tombigbee River:

647 miles in slack water..... \$2,497.00  
20 lockages..... 320.00  
2,817.00

Saving per trip in favor of Tombigbee route..... 4,507.00

Mr. BILBO. Mr. President, the facts and figures are before us to show the value of this great project. Army engineers who have spent years studying this project have shown us the feasibility as well as the desirability of the Tennessee-Tombigbee Inland Waterway. When the survey report of the Army engineers was placed before the President of the United States, he said, in part: "I approve this survey report for a waterway connecting the Tombigbee and Tennessee Rivers." This approval of President Roosevelt, dated April 24, 1939, may be found on page 8 of House Document 269.

Let it not be said that we failed to develop our natural resources. When we provide for the construction of this great inland waterway, we are benefiting a great section of our country, we are benefiting many millions of our people for all time to come, we are reducing transportation distances, we are reducing transportation costs, we are providing employment, we are building America.

Mr. President, in answer to the distinguished Senator from Michigan, who insisted that we were operating under the precise conditions and facts of 5 years ago, I wish to place in the Record at this point the testimony of General Robins before the Senate committee and the colloquy between him and the chairman of the committee, the Senator from North Carolina [Mr. BAILEY], who, by the way, voted against the proposal 5 years ago. This record sets at naught practically all the arguments adduced by the Senator from Michigan last Friday. It will be remembered that the Senator had much to say about the reduction of freight rates on oil shipped from the southern territory to other parts of the United States. Water transportation has always been the favored means of transporting oil. He emphasized pipe lines and reduced railroad rates.

General Robins took up that part of the Senator's speech—unwittingly, of course, because the testimony was given before the speech was made—and answered those questions to the satisfaction of the Senator from North Carolina, who wanted to know if this was an economically sound project. General Robins conclusively proved to the Senator from North Carolina and to the committee in this colloquy that it was an eco-

nomically sound project, when he showed, by the facts and conditions, that today this project would show an income of \$4,000,000 annually, whereas in the report 5 years ago only \$1,000,000 could be accounted for. It is clear to all those who want to know the facts that the project is economically sound.

Mr. President, this is not a southern project. It is not a Mississippi-Alabama project. It affects the welfare, prosperity, and economic life of millions of people in 34 States of the Union. The people of Illinois are just as much interested in the passage of this bill as are the people of Mississippi. The people of Ohio and Michigan, when they know the facts, will be just as much interested in the adoption of the Tennessee-Tombigbee project as are the people of Alabama.

Mr. President, at this time I wish to ask unanimous consent to have printed in the RECORD as a part of my remarks the colloquy between the Assistant Chief of Engineers and the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

**TENNESSEE-TOMBIGBEE INLAND WATERWAY—EXCERPTS FROM TESTIMONY OF MAJ. GEN. THOMAS M. ROBINS, ASSISTANT CHIEF OF ARMY ENGINEERS, BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON COMMERCE, UNITED STATES SENATE, THURSDAY, APRIL 27, 1944**

GENERAL ROBINS. I happened to be a member of the Board of Engineers for Rivers and Harbors when this project was under consideration and this same discussion about the locks took place at the Board meeting for several hours and the question as to whether these locks would have to be made wide enough to correspond with the locks on the lower Tennessee to take care of the traffic that came down the Mississippi River was gone into at length. The Board agreed that the question of the width of the locks should be left open and in its report recommend locks approximately 75 feet by 450 feet clear, and put the word "approximately" in so that the adjustment could be made if the locks had to be widened out.

I would like to explain that after a project like this is authorized by the Congress, the first step that the Department takes is to have made what is called a definite project report. In preparing this report the district engineer goes into all engineering questions over again such as dimensions of the locks and all details and dimensions are perfected and the definite project report sent into the Chief's office for approval before the contract drawings and specifications go out. I think the committee may have no concern about whether, if this waterway is authorized and built, the Corps of Engineers will build the locks of the proper size to take care of the potential commerce.

Senator BAILEY. This Tombigbee proposition has grown, in my estimation, but at the same time I am in just this state of mind: We do not have a report from the Chief of Engineers. The savings reported by General Schley, who was Chief of Engineers, has been under very severe attack.

General ROBINS. I was going to touch upon that.

Senator BAILEY. Now, we raise the question of locks and everything is predicated on the reports, but we have got to be careful.

I have this impression, that it would be much better for the Tombigbee because, if its advocates should simply contend that we should put this project in that section of the bill which calls for a review, in order that we

may get an up-to-date view in the light of all the discussions and all the discussions had, and also with relation to the post-war situation. We can get all that before the war is over.

So it is economically sound, not on recreational purposes—I do not believe in the purposes of recreation as a necessary consideration—but show me where it is economically sound and I will ask this committee to act upon it independently of all other considerations. I am just making that to get this to a conclusion, which I hope will be constructive.

General ROBINS. Yes, sir; I see your position, Senator, but I think that there is considerable information that has been brought out at this hearing, and additional information will be brought out as to the question of the savings in transportation costs that may be expected to accrue if the project is authorized. After hearing all the testimony in regard to the report before it, if the committee thinks it does not have sufficient information, there is only one thing to do, and that is to call for a new report.

Senator BAILEY. We have a great deal of information. It is the rule in this committee to depend upon the report of the Chief of Engineers. I am sure you are familiar with that, an old rule here, and written in the statute that we depend on the report of the Chief of Engineers, that is considered final.

Now the report of General Schley is subject to attack and I think this morning that we took away \$300,000 at one time, that is recreation, and \$600,000 another time. What was that?

Senator OVERTON. \$100,000 for recreation, \$275,000 on land-value enhancement, and \$600,000 on national defense.

Senator BAILEY. That makes nearly \$1,000,000 of benefits.

General ROBINS. You took all that away; you did not put back anything for the known increase in potential commerce. The whole case of the opposition has been put up here on the basis of taking into account all changed conditions adverse to the project, such as construction of pipe lines, and leaving out of consideration the increase in potential commerce, which has taken place.

Senator BAILEY. You may bring in fresh evidence, but just speaking of the railroad people here, as you did, and they have only one thing to attack and that is the report of the Chief of Engineers, and they did attack that on these three items and I thought they attacked it rather successfully.

Representative RANKIN. General Robins is Assistant Chief of Engineers, and he was on the board that made this report. It seems to me that you would take this report of the Army engineers as virtually a report of the Chief.

Senator BAILEY. No. Rather I thought of the instance of Senator BANKHEAD who went to the Chief of Engineers and asked him if he could possibly review this matter in time for our present hearing. I received his letter, in which he said that he could not. This is not in the nature of a review; I should think this would be in the nature of sustaining reports up to date.

Representative RANKIN. If it is taken out of this bill, it will probably indefinitely postpone the project or kill it entirely. I brought the Army engineers before the committee, and the men who were on the board at the time, such men as General Robins here, and they have gone through this thing time and time again, and there would be no change in physical developments on the Tennessee River, except an increase of traffic and an increased necessity for this project.

Senator BAILEY. I do not think you could improve your case on review.

Representative RANKIN. I do not see how you could. Of course, there is some development going on in the Tennessee River, ship building, and so forth. I don't know whether

they want that discussed publicly or not. There may be some other defense work going on there that I doubt we ought to discuss publicly, but so far as the feasibility of this project is concerned, I do not see any necessity for any additional survey.

Senator BAILEY. We undertake to find propositions economically sound by finding the annual benefits exceed the economic costs, that is your economic aspect. We discuss \$175,000 for land value, \$100,000 for recreation, and \$600,000 for national defense, all of them intangible and I think, with all due respect, that they must necessarily be speculative.

General ROBINS. I agree with you, Senator, you cannot fix any exact monetary value on those. The Board of Engineers for Rivers and Harbors does not attempt to do so.

Senator BAILEY. I think in a review you can come in here and show an enterprise would be a profitable institution excluding those items. If it is shown to be a profitable institution I am going to be, very likely, for it.

General ROBINS. Senator, I can show you that in 5 minutes.

Senator BAILEY. I want a report from the Chief of Engineers on that. We have never approved a project that I know of here in the Senate, since I have been here. It was not that we did not approve it on the report of the Chief of Engineers. I think you are familiar with that.

General ROBINS. Yes, sir.

Senator BAILEY. I mean Mr. RANKIN is familiar with it too. It came to me in the Senate and I asked, "Has the Chief of Engineers approved it?" They said "No." I say, "You have not got a chance on earth then."

Representative RANKIN. We would depend on the Army Board of Engineers that makes the investigation and, when they make their report nobody has ever been able to successfully challenge it. When this great amount of traffic began to increase on the Tennessee River, it just simply emphasized the necessity for the project. The Chief of Engineers is gone and he is not here now. These men put in 3 or 4 years on it. They went from one end of this project to the other. It is the most thoroughly surveyed and investigated project I have ever known since I have been connected with the Congress of the United States.

For instance we thought, and I think they thought when they started in, that the feasible route would be up Bear Creek. They investigated that carefully. They investigated carefully this project Mr. Fort mentioned this morning, going up the Warrior River and they found that going up the Warrior River and connecting with the Tennessee River would be practically impossible. They would have to pump the water to run the locks through their locations. They found the same thing on the Bear Creek route. The Pickwick Dam had been constructed, which made this Yellow Creek route feasible. All those physical conditions still remain. There would be no change in them whatsoever. The only question is the amount of traffic this project would carry and that is a matter of practical knowledge, not only to the engineers, to the Members of the Congress, but to others who are interested in that proposition.

Senator BAILEY. You agree with the general here that you can strike out that \$1,000,000 advantage and go ahead?

Representative RANKIN. I certainly do.

Senator BAILEY. But we would be in a position of being without a report of the chief of engineers.

Senator OVERTON. The chief of engineers in his report—to start with, the chief submits a report to the Congress on it. He does not disapprove the project. He makes these statements. The estimate of \$2,168,000 is arrived at by the use of full data by thorough analysis thereof and by sound conclusions. I concur in the view that it is



conservative rather than liberal as to the saving in transportation costs. Then he discusses the intangible values with which we all agreed, those present at the subcommittee hearing. Then he reviews here the project which may be authorized by the Congress. It does not affirmatively approve it; it does not disapprove the project.

Representative RANKIN. The only thing he considers is the amount of traffic.

Senator OVERTON. He does say in his opinion the estimate is a conservative one. I am going to ask General Robins what he has to say in reference to the items of savings in transportation costs, \$2,158,000, according to my recollection that is the figure.

Representative RANKIN. Mr. Chairman, before you leave that—

Senator OVERTON. But let us get this, Mr. Representative.

Representative RANKIN. Mr. Chairman, before you leave that, I want to emphasize the fact that when General Schley made that report, the other dams had not been built and therefore there was no outlet into the Ohio River.

Senator OVERTON. I imagine General Robins will refer to that. I want to see what his view is as assistant chief of engineers with reference to savings in transportation charges; why they make a difference in the savings in up-bound travel on the Mississippi, I do not know. The two amount to \$168,000. What have you to say?

General ROBINS. Mr. Chairman, the total benefits that were tabulated in this report contained in House Document 269 before any allowance was made for future growth was \$1,850,000 of which \$785,000 in round numbers represents the savings on petroleum products which the railroads now throw out because of the pipe lines.

Senator OVERTON. What do you say about that?

General ROBINS. I do not for a minute admit that the construction of those pipe lines will stop the movement of oil on waterways.

Senator BAILEY. How much will it affect it?

General ROBINS. I couldn't tell you exactly, sir, but certainly half of that estimated oil tonnage will continue to move. The pipe lines have been in existence for years. There have been more of them built in the last 2 or 3 years and the oil is still moving on the waterways.

The pipe lines now extend to the Birmingham area and the oil is still moving on the Warrior River.

But for the sake of argument let us suppose that oil is off the waterway and I will deduct the saving for that, leaving \$1,065,000. Since the tonnage which produces this saving of \$1,065,000 was estimated, traffic on inland waterways has more than doubled so the saving of \$1,065,000 should be doubled to meet the conditions as they are today, so without considering petroleum products you get back to about the same tangible saving given in the report for shippers over the Tombigbee Waterway itself.

Mr. Chairman, if we came up here and submitted a report recommending a project for slack water on the Mississippi between Cairo and New Orleans, by building locks and dams on the (Mississippi) River itself at an estimated cost of \$66,000,000, I think you would all take off your hats and cheer. This alternate route on the Tombigbee we are recommending amounts to the same thing, only the locks and dams are to be built on the Tombigbee instead of the Mississippi. There is no greater tangible saving than that which will accrue from use of the Tennessee-Tombigbee route instead of the Mississippi for the upstream traffic. This saving as estimated in House Document 269, is \$1,000,000. It is very conservative, and should be doubled on account of the increase that has taken place in up-stream traffic on the Mississippi River.

Taking into account all the changed conditions since the report before the committee was prepared, there is a total tangible saving in sight today of \$4,000,000 a year for this project, and the carrying charges on this project are \$3,500,000. From the information that is officially available to this committee there is no question in my mind but that the Tennessee-Tombigbee project is economically sound without considering recreation or national defense or enhanced land values or any other intangible benefits.

We can go back to the field, make another report, and do all the work over again, and hold hearings, and when the new report comes up before the committee you will have the same old arguments in opposition to the project that you have today. If the committee—if the Congress—wants us to make another report, we will be glad to make it. That is the situation as I see it.

Senator OVERTON. You are satisfied that the report that would be submitted would be along the lines you just stated?

General ROBINS. Absolutely; and if this report can be attacked on account of some of the changed conditions since the report was written, I do not see why it cannot be defended on account of other changed conditions.

Representative RANKIN. May I ask him a question, Mr. Chairman?

Senator OVERTON. Very well.

Representative RANKIN. On this question of national defense they have eliminated any benefit for national defense. As a matter of fact, a great deal of our defense work is being done in the Tennessee Valley area, is it not, on the Tennessee River?

General ROBINS. That is right; quite true. Unquestionably, if that waterway were in operation today, it would be of tremendous value for national defense, but you cannot put a money value on it any more than you can put a value on winning the war.

Representative RANKIN. If we should get into a war in the future, in addition to furnishing a slack waterway for up-bound traffic, should the Mississippi River be closed, this would furnish us an outlet to the sea, would it not?

General ROBINS. Yes, sir.

Representative RANKIN. And, moreover, one that is protected so much that it could scarcely be attacked from the sea?

General ROBINS. Yes, sir.

There have been a great many extracts read from House Document 269, particularly having to do with the letters of the Tennessee Valley Authority and of the National Resources Committee. I would like to call attention to the fact that after the President got those letters he said—and it is printed in House Document 269—that he is in favor of this project.

Senator BAILEY. The President?

General ROBINS. Yes, sir.

Mr. BILBO. Mr. President, I have a suspicion that when people understand what is involved in this project, some of our friends in other parts of the country who think it is a Mississippi, Alabama, or Tennessee project, will have a sad awakening.

In this connection I wish to read a letter from the Governor of Illinois. It was written in the spring of this year, and reads as follows:

OFFICE OF THE GOVERNOR,  
Springfield, April 10, 1944.

HON. FRANK W. BOYKIN,  
House of Representatives,  
Washington, D. C.

DEAR REPRESENTATIVE BOYKIN: I wish to acknowledge receipt of your letter of March 16, 1944, concerning the Tennessee-Tombigbee inland waterway project which has been

considered in the House of Representatives as part of waterway bill H. R. 3961.

The State of Illinois is intensely interested in waterways, especially in their use as arteries of transportation. The Tennessee-Tombigbee canal project, which will provide a slack-water upstream waterway in conjunction with the Mississippi River, I believe, would not only enlarge the Middle West area now served by waterway transportation but would provide an all-weather route from Cairo to the Gulf of Mexico.

It would be of benefit, either directly or indirectly, to the entire Middle West. However, I am informed that the project was omitted from H. R. 3961 in the House of Representatives and that it may be reconsidered when the bill reaches the Senate.

If the project is again replaced in the Senate, I will be pleased to present it to the Senators of this State with my recommendations.

Very truly yours,

DWIGHT H. GREEN, Governor.

He is the Republican Governor of Illinois. By the way, Mr. President, I understand he has been reelected.

If there is any Senator from the Midwest or the North or from parts of the East—because Pennsylvania is very much interested in this proposition—who is not entirely familiar with the project, I will state that business people of Pittsburgh are already making their plans looking to the day when this great change will be made, for it will have a great effect on the cost of transporting manufactured articles from that great industrial center to the South, and they are very much interested in it. No other piece of legislation which has come before the Congress will give such a great impetus to the development of the South. At the same time, it will give an impetus to development in all the other 34 States.

Now I wish to read into the RECORD a letter addressed to the senior Senator from Louisiana [Mr. OVERTON] by the president of the Mississippi Valley Association, Mr. Lachlin Macleay. His letter is dated at St. Louis, Mo., on April 27, 1944, and reads as follows:

MISSISSIPPI VALLEY ASSOCIATION,  
St. Louis, April 27, 1944.

HON. JOHN H. OVERTON,  
United States Senate,  
Washington, D. C.

DEAR SENATOR OVERTON: At the hearing on the rivers and harbors bill before your committee on Wednesday morning, April 26, there was some discussion regarding the amount of tonnage moving on the Mississippi River system. It has occurred to us that the following figures may be of interest to you and to the members of the committee.

Exclusive of oceangoing cargo on the lower Mississippi River and exclusive of the movement of certain strategic materials and lend-lease commodities which, for military reasons, cannot be made public, the gross traffic on the Mississippi River and its tributaries in 1942 was 125,208,371 short tons which is an increase of more than 29 percent over 1940. These figures do not include the Gulf Intracoastal Waterway skirting the Gulf of Mexico between Texas and Florida, via New Orleans. This waterway handled an additional 21,268,183 tons, an increase of 82 percent over 1940.

Mr. President, I am reading this letter into the RECORD because some persons will try to dodge the fact of the great change which has been brought about in the development of the South, and

will attempt to say that all the increase in tonnage is due to lend-lease, war, and strategic materials which are passing over the rivers and railroads in that area. But Mr. Macleay states in his letter that the figures he gives are exclusive of lend-lease and certain strategic materials.

The remainder of the letter reads as follows:

The combined traffic of the Mississippi River system and the Intracoastal Waterway in 1942, exclusive of lend-lease and certain strategic materials, was 146,476,554 tons, an increase of 35 percent over 1940. The ton-mileage of commodities handled by these combined waterways in 1942 was 18,816,644,000, an increase of 41 percent over 1940. These waterways include about 6,700 miles of commercially navigable channels.

For comparison, it may be interesting to note that the 26 railroad lines serving the southern region of the United States, including those which comprise the great systems of the Illinois Central, the Southern, and the Atlantic Coast Line, have 37,500 miles of main-line track. The waterways referred to, with only 18 percent as much mileage, in 1942 handled the equivalent of approximately 22 percent of the ton-miles of revenue freight handled by the railroads of the southern region that same year.

The above figures do not include the tonnage of seagoing craft newly or partly built at shipyards on the inland waterways and destined for ocean service. Approximately 1,000 military and naval vessels of substantial sizes and of various types have been built at inland yards during the years 1942 and 1943, and moved without accident to the tide-water ports of the Gulf via the improved channels of the Mississippi River system. Included among these are a large number of war vessels built on the Great Lakes, many of them more than 300 feet in length.

This record was made despite the fact that during 1942, 116 dry-cargo steel barges were voluntarily relinquished by the river operators for conversion to oil carriers. These barges have a capacity of 1,339,644 barrels and are now in constant use. During the period of converting the dry-cargo barges to oil carriers, they were out of use for a considerable period of time which, of course, seriously affected the tonnage movement on the system.

Figures for 1943 have not been fully compiled. Those available for the first 6 months of that year show a substantial increase over 1942.

Sincerely,

LACHLAN MACLEAY, President.

Mr. President, at the beginning of this fight, 5 years ago, there was some hesitancy on the part of the Tennessee Valley Authority regarding its approval of this project. The Senator from Michigan thought he would find some helpful opposition to the project, so in the spring of 1944 he wrote to the Tennessee Valley Authority. On April 29, 1944, the Tennessee Valley Authority replied to the Senator from Michigan. Its letter to the Senator reads as follows:

TENNESSEE VALLEY AUTHORITY,  
Knoxville, Tenn., April 29, 1944.

HON. A. H. VANDENBERG,  
United States Senate, Washington, D. C.

My DEAR ARTHUR: This will acknowledge receipt of your letter of April 22 inquiring as to the Authority's position with reference to the feasibility of the proposed Tennessee-Tombigbee Canal.

Since we last wrote to you on this subject in 1940 we have had occasion to restudy this question from the point of view of both the

power losses to the Authority's power system and the prospective savings to the people of the Tennessee Valley on traffic moving over the waterway. The maximum diversion of water from Pickwick Reservoir is stated in the report of the Board of Engineers for Rivers and Harbors, published in House Document No. 269, Seventy-sixth Congress, first session, as 409 cubic feet per second. We have examined the records of the core drilling carried on by the Army engineers in investigations of this project, and we believe that this estimate is both reasonable and conservative. This amount of water utilized through the Tennessee Valley Authority power plants at Pickwick and Kentucky Dams would generate approximately 3,000 kilowatts of power. The monetary loss to the Authority resulting from the diversion of 409 cubic feet per second is estimated as ranging from \$60,000 to \$100,000 per year, depending upon conditions current at the time. The exact amount of the loss would depend upon whether the year were wet or dry, the cost of coal for steam generation, and the size and nature of the Authority's load.

Now, Mr. President, listen to what the Tennessee Valley Authority has to say in conclusion:

A preliminary study of the transportation benefits to Tennessee Valley commerce which would result from the construction of the canal indicates that the savings affecting commerce of interest to the valley would substantially exceed the above direct loss in power revenues. We believe, therefore, that the construction of the Tombigbee waterway would provide an over-all net benefit to the Tennessee Valley area.

With kindest personal regards.

Sincerely yours,

JAMES P. POPE, Director.

So, Mr. President, we have the Assistant Chief of Engineers, the Tennessee Valley Authority, the Governor of Illinois—a State far away from the location of the project—the President of the United States, the entire Board of Engineers for Rivers and Harbors, including General Reybold and General Schley, the present and former Chiefs of Engineers, recommending the project and stating that it is sound; that the Board has agreed to it; and that they do pass favorably on this project. Consequently, how any Senator could hesitate to pass favorably on the project is beyond me.

Mr. President, I am familiar with the territory through which the canal would pass. It is very gratifying to know that in making their borings and surveys, the engineers found the territory to be an ideal one in which to construct this great artery of transportation. Within the territory there is a strip of land approximately 75 miles wide, called the cretaceous belt. It is composed of sand, gravel, lime, rock, and shale, as well as earth containing no rock with which the diggers would have to contend. It is a very favorable territory through which to dig a canal for the purpose of bringing together the great water systems of the Tennessee and the Tombigbee.

I have said nothing about what the project would do for the State of Mississippi. The northern section of the State of Mississippi is blessed with various kinds of clays and shale, as well as other varieties of clay, such as ceramic clay. The territory offers a great future. It must be remembered that in the Tennessee Valley of Alabama we are now making aluminum, which is being used

in the war effort. Aluminum will be manufactured there in the years to come for use in the manufacture of articles for civilian uses. Bauxite from the Haiti and South American deposits is brought into this territory and used in the manufacture of articles in the area to which I have referred. I trust that Senators are able to catch a vision of what the Tennessee Valley will be in the years to come if this great supply of cheap electric power is made possible with cheap transportation in what is destined to be the industrial center of the entire South. The project would afford a waterway affording transportation to great industries which would spring up as a result of the power generated by the dams on the Tennessee River.

The only influences, the only secret powers, and the only lobbies which I have been able to find in opposition to the Tombigbee project have been the railroad interests of the United States. Mr. President, I assert that the railroads of this country have always shown a short-sighted policy in the things which they have tried to accomplish, and the things which they have tried to stop. Of course, the railroads are inherently opposed to any character or form of water transportation. They have an idea that it would decrease their revenues. For that reason they have been opposed to practically all inland waterway developments, and because of their attitude they have been fighting the proposal which is now before the Senate for consideration. I believe it would be to the interest of the railroads to help develop this waterway project. It would result in such an era of prosperity, industrially and otherwise, to this great undeveloped section of Alabama, Tennessee, and other sections of the South, that a great increase in the use of the railroads for quick and short hauls would take place. Their volume of business would increase, employment would increase, and greater revenue would be afforded to the railroads of this great section of the South.

I am not fighting the railroads. I am not opposed to them. They have been a great blessing in the development of our country. Sometimes they have tried to do things which I did not like. For example, there is on the calendar a bill, reported from the Interstate Commerce Committee, which would make a Christmas present to the railroads of the country of all the land which was granted to them by the Government, and for which they in turn were to compensate the people of the country by giving them a rebate on all freight hauled in the name of and for the Government. I shall have more to say about that proposal when it comes before the Senate for consideration.

The other day there came to my attention an amendment which had been submitted in the Senate. To my mind it is one of the smoothest pieces of proposed legislation that has ever been suggested to the Congress. A Senator had submitted an amendment to the river and harbor bill providing that hereafter there could be no development of water transportation in the country until the bill providing for such



had been first submitted to the Interstate Commerce Commission, public hearings had been held, and the necessity for the project had been recommended to the Congress. Mr. President, we might as well offer an amendment saying there will be no more legislation, because we all know what the Interstate Commerce Commission has done along this line and what it will do in the future.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. TUNNELL. I ask the Senator from Mississippi what he believes the effect of the amendment would be.

Mr. BILBO. The effect of the amendment would be that never in the future could there be any legislation providing for inland-waterway transportation.

Mr. TUNNELL. Would this Congress or any future Congress be bound by it?

Mr. BILBO. No; we would not be bound by it, but we would have a devil of a time in repealing that provision of the law if it were ever placed on the statute books.

Mr. President, the people of Illinois are as much interested in the Tombigbee project as are the people of Alabama, because it means very much to them. Without the project, every cargo of freight from Illinois going down to New Orleans costs \$2,500 more, because the current has to be fought when returning with a cargo. A savings of that nature to the business people of Illinois would mean something to them. That is why the Governor of the State of Illinois has been strong in his endorsement of the proposal.

In conclusion, Mr. President, I want to urge my colleagues to make a study and a thorough investigation of all the facts contained in the Board of Engineers' survey of 1939, together with the admitted and incontrovertible facts concerning changed conditions since the survey of 5 years ago, and catch a vision of the great savings, blessings, and potentialities to be realized by the construction of this canal or inland waterway. The projects would result in marrying and commingling the waters of the Tennessee River system with the Tombigbee River system. To vote down this amendment today would only delay the construction and completion of this important link in an inland-waterway system which covers three-fourths of the United States.

The blessings, advantages, and possibilities which the construction of this project would bring to millions of people are destined to become accomplished facts.

I assure my colleagues that if they fail to investigate and understand the facts, and catch the vision which this project presents, their seats will soon be occupied by others who will see visions and dream dreams for the progress of our country. A vote for this project would be one of the most gratifying of their entire political career.

The project alone is so far-reaching in its effects and is so broad in the blessings, both material and social, which it would afford to the millions of people who dwell

in that large expanse of territory from Chicago to the Gulf, from Sioux City to Mobile, and from Pittsburgh to New Orleans, that the people would rise up and call them blessed.

When this project shall have been finished, there will be millions of barges and boats plying upon the bosom of the meandering Monongahela, the Ohio, the Wabash, the Illinois, the Mississippi, the Arkansas, the Missouri, the Red, the Tennessee, and the Cumberland Rivers. The splashing and churning of their waters, upon which float the cargoes of commerce, both foreign and domestic, will merge into a tune which will make glad and happy, joyous, and prosperous millions of American citizens then living in a new era of cheaper transportation of the products of their toil which will be supplying the needs and wants of the hungering and consuming millions at home and abroad.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 17, beginning in line 6.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	Overton
Austin	Green	Radcliffe
Bailey	Guffey	Reed
Ball	Gurney	Revercomb
Bankhead	Hall	Reynolds
Bilbo	Hatch	Robertson
Brooks	Hayden	Russell
Buck	Hill	Shipstead
Burton	Holman	Stewart
Bushfield	Jenner	Taft
Butler	Johnson, Calif.	Thomas, Okla.
Byrd	Johnson, Colo.	Tunnell
Capper	Kilgore	Tydings
Caraway	La Follette	Vandenberg
Chandler	Langer	Wagner
Clark, Mo.	Lucas	Wallgren
Connally	McFarland	Walsh, Mass.
Cordon	McKellar	Walsh, N. J.
Danaher	Maloney	Weeks
Davis	Maybank	Wheeler
Downey	Mead	Wherry
Eastland	Millikin	White
Ellender	Murray	Wiley
Ferguson	Nye	Willis
George	O'Daniel	
Gerry	O'Mahoney	

The ACTING PRESIDENT pro tempore. Seventy-six Senators have answered to their names. A quorum is present.

Mr. BANKHEAD. Mr. President, before entering upon a discussion of the subject which is before the Senate, which I hope will be brief, since the Senator from Mississippi [Mr. BILBO] has fully explained it, I think it would be well to point out the location of the project, and the wide expanse of territory it will benefit if it shall be completed.

I regard this as the most important navigation project for an improvement within the boundaries of the United States that has been submitted to the Senate since I have been a Member of it. The program attempts to make a connection between several waterways, including the Tennessee River, the Tombigbee, the Warrior, the Alabama, on the south side of the Tennessee, reaching all the way over into Georgia.

As all northern, western, and southern Senators, at least, know, the Mississippi River as a navigable stream starts in the vicinity of Minneapolis and St. Paul. It is navigable up to that point now, not with very deep water, but it is expected that someday it will be deeper. I think the evidence shows there is a 4-foot channel to that point at this time.

Then there is the Missouri River, going almost all the way to Canada, flowing out of Montana through North Dakota, South Dakota, Nebraska, Iowa, Kansas, and Missouri. It comes into the Mississippi River near St. Louis.

The Illinois River comes from the Great Lakes, from Chicago, and brings its water into the Mississippi River near St. Louis. The Mississippi River below St. Louis flows on down to Cairo, Ill., past Memphis, and south to New Orleans.

The Ohio River, fed by the Wabash River, flows to the southwest, from Pittsburgh, past Wheeling, Cincinnati, and Louisville, draining all that area on the west of the Allegheny Mountains.

The Cumberland River comes around by Nashville, and enters the Mississippi River near Paducah.

Mr. President, the remarkable thing about the Tennessee River is its real direction. It rises in the mountains east of Knoxville, Tenn. It flows southwest to Chattanooga, Tenn., then crosses over into Alabama, flowing through the northern portion of Alabama, first in a southwesterly direction, then generally west, and as it nears the western boundary of Alabama, instead of turning to the south, as most large waterways in that region do, it turns north. From the point at which it turns north in Alabama it runs through Tennessee up to Paducah, Ky., where it empties into the Ohio River, and a short distance below that point the Ohio empties into the Mississippi at Cairo, thus eventually bringing the waters of the Tennessee River into the Mississippi River.

There is, as will be observed from the map, and as most Senators of course already know, a full network of rivers draining the waters of all that great territory covering about 32 States, I believe, into the great old Mississippi River, which then proceeds to the Gulf, into which it empties the waters which have drained into it from the great territory above.

Mr. President, for nearly all its length the Tennessee River is at present navigable. It is carrying boats, barges, and tows to various cities in the North, the East, and the West. The proposed connection which is now under discussion is between the Tennessee River and the Tombigbee River, which rises close to the Tennessee River. There is no connection at present between the Tombigbee and the Tennessee which is navigable. The project in question is to construct a canal which will be approximately 40 miles long, to make connection between the Tennessee River and the Tombigbee River, which latter river connects with the Warrior River, which flows past Birmingham, and which also connects with the Alabama River and the Coosa

River, on which are located Gadsden, Ala., and Rome, Ga.

Let us now for a few minutes consider the reason for the proposed project. The canal will be about 41 miles long. It will run from the Tennessee River down to and connect with the Tombigbee River, so that navigation will be completed from the Tennessee River directly through the canal into the Tombigbee River and on out to the Gulf of Mexico.

Mr. President, let me point out a significant fact. The Tennessee River runs north from the junction point with the proposed canal. That puts slack water into the canal. There will be dams in the Tennessee River along through the region involved, which will make slack water from the junction point of the canal with the Tennessee River until it empties into the Ohio and then into the Mississippi. Below the junction point, and coming down the Tombigbee River, there will be a series of locks and dams, 12 locks in the canal and 8 locks below it, making a waterway from the Tennessee River, through the canal, and through the Tombigbee River and the Gulf of at least 9 feet in depth.

One peculiar physical fact about that situation is that by nature the watershed in the Tennessee River Basin is about 100 feet higher than is the watershed of the Tombigbee River. It is proposed, by means of the canal, to bring together the water from the two major water basins. There is no other such situation, I am told, in the United States. Such a situation is not possible anywhere else. The canal will connect the two water basins. Since the last dam on the Tennessee River was constructed the water in the Tennessee River is 150 feet higher than the water in the lower watershed, that is, the Tombigbee. Of course, connection is made by a series of locks and dams.

It is very evident, Mr. President, that if the canal is constructed it will bring about a great shortening of the distance necessary to be traveled in up-river transportation from points on the Tennessee River to points in Alabama and Georgia. At present, in going from Knoxville, or Chattanooga, a boat may go down the Tennessee and then turn north on the Tennessee River in order to get into the Mississippi, and then go down the Mississippi River to New Orleans, moving then over to Mobile, and up the Tombigbee and Alabama Rivers if it is going to any point in Alabama, or up the Coosa River into the eastern part of Georgia. The joining of the two water courses which will be brought about by the completion of the canal makes the distance 600 miles less than is the case now between cities on the Tennessee River and cities on the Warrior River and the Alabama-Coosa Rivers.

On the trip down the Mississippi River, there is of course a swift current, which brings boats down the stream swiftly, and for the same reason probably at a cheaper cost, but when boats return and go the other way, they must buck the swift stream of the Mississippi River. Traffic going through the proposed canal will go through slack water all the way up to Paducah, Ky., and to Cairo on the

Mississippi River. So the engineers figure—and the figure is contained in the report—that in making a round trip by towboat with eight barges from Paducah, Ky., down the Mississippi River, and through the inland waterway from New Orleans to Mobile, and then up through the canal and on out into the Tennessee River, then proceeding back to Pittsburgh or to Minneapolis or to St. Louis, the cost as far back as Cairo is reduced by 50 percent by using the canal instead of bucking the swift current of the Mississippi River, as must be done now on the return trip. The engineers figure that by going through the canal on the return trip the cost of a tow boat such as I have mentioned with eight barges for the round trip will be reduced \$2,400. That means going down the swift current of the Mississippi and back up through slack water.

As conditions now are, if the boat continues up toward Pittsburgh the cost increases. If the trip involves going to Birmingham it will cost \$5,000 more, because in going to Birmingham the boat must go down the Warrior River and on down below into the Tombigbee, and on down through that river to Mobile, and go out to New Orleans, and then buck the swift current of the Mississippi all the way.

So no one disputes the very great saving to be accomplished to all the users of water transportation in the entire area from the Rocky Mountains to the Alleghenies by the utilization of the slack water of the proposed waterway, which would avoid the swift current on the Mississippi.

Mr. AIKEN. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Vermont?

Mr. BANKHEAD. I yield.

Mr. AIKEN. Can the Senator from Alabama give us an estimate of the amount of tonnage which would be carried over this waterway?

Mr. BANKHEAD. Of course, it is impossible to estimate the future tonnage with any accuracy. I can say to the Senator that the record shows that between 1932 and 1942, a 10-year period, the traffic on the Mississippi River and its tributaries down to the Gulf has increased from 5,000,000,000 ton-miles to 19,000,000,000 ton-miles.

Mr. AIKEN. To what does the Senator ascribe that increase?

Mr. BANKHEAD. One reason, I assume, is that the people are becoming familiar with water transportation from the standpoint of cost, as compared with other transportation. Let me point out to the Senator the difference in cost. As the Senator knows, new ideas and new facilities evolve by degrees. Here are the figures showing relative costs as between a rail tank car, a deep-draft tanker, a pipe line, and a barge. This information was compiled with reference to oil transported in pipe lines. Transportation by rail tank car costs 8.3 mills per ton-mile; by deep-draft tanker, such as those which go to sea, the cost is 1.25 mills; and by pipe line, 3 mills.

Mr. AIKEN. Does not that depend on the size of the pipe line, and whether it is used continuously?

Mr. BANKHEAD. These figures are based on such pipe lines as we now have in use.

Mr. AIKEN. The Big Inch, if used continuously, would transport oil as cheaply as it could be transported by oceangoing tankers.

Mr. BANKHEAD. It could not continue to do so. In the first place, the depreciation is very great.

Mr. AIKEN. I realize that.

Mr. BANKHEAD. The lines last only a few years, and then they must be renewed.

Mr. AIKEN. The cost by barge line is from 2 to 2½ mills, is it not? That is about a third the cost of rail transportation.

Mr. BANKHEAD. The cost of transportation by rail is 8.3 mills, and the cost of transportation by barge line is from 2 to 2½ mills per ton-mile.

Mr. AIKEN. What about the nature of the cargoes carried up and down the river?

Mr. BANKHEAD. As I have stated, this calculation is based on oil.

Mr. AIKEN. What other kinds of cargo would be carried?

Mr. BANKHEAD. I shall be glad to give the Senator that information. I had intended to reach it in the course of this discussion.

Mr. AIKEN. I thought the Senator had concluded.

Mr. BANKHEAD. I shall be glad to give the Senator the information now. This information was furnished me by the Board of Engineers, based upon recent traffic upon these streams. Up-bound there are petroleum products, sand and gravel, logs, sugar, lumber, scrap iron, coffee, canned goods, sulfur, and paper. Down-bound there are some of the same items—logs, sand and gravel, cotton, iron and steel products, lumber, grain and flour, canned goods, fertilizer, beverages, and soap. This information is taken from the records.

Mr. AIKEN. I now come to the all-important question in my mind: How much new business will be done if the waterway is established, over and above what is being done now? How much new wealth will be added to the localities, to the States, and to the country? Will more business be done, and will new products be handled which would not be handled without the waterway?

Mr. BANKHEAD. I think that is perfectly evident from the increase in traffic which I cited during the past 10 years, from 5,000,000,000 ton-miles to 19,000,000,000 ton-miles.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. Let me say to the Senator from Vermont that 70 percent of the entire petroleum traffic on the Mississippi River is destined for Ohio River points; and the United States engineers believe that when this canal is put into operation it will attract most of the up-river traffic by way of the Tombigbee, because the distance by that route is shorter, and because there will



be slack water, which will result in a substantial saving to industries and businesses in the Ohio River Valley.

A great argument has been made about pipe lines and petroleum products, to the effect that the railroads have reduced their rates, and that there are now pipe lines which serve this area. However, those pipe lines carry gasoline, while a tremendous volume of fuel oil now moves up the Mississippi River to points on the Ohio River. That traffic would use the proposed canal, because, roughly, it could be delivered \$2,800 a tow cheaper.

Mr. AIKEN. Has either the Senator from Alabama or the Senator from Mississippi a break-down showing the percentage of upstream and downstream freight traffic at present?

Mr. BANKHEAD. I have no break-down, but it is evident that the two are about equal, because the barges which go down the river must come back up the river, and the barges which go up the river must come back down. I do not believe that many of them travel any great distance empty.

Mr. AIKEN. Would not the balance probably be in favor of the upstream traffic?

Mr. EASTLAND. Today there is oil traffic on the Tombigbee River, and that area is rapidly becoming a great oil-producing section. This canal will enable that area to market those products. For example, today the Standard Oil Co. of Ohio ships all its crude oil up river to its refineries in the State of Ohio. That oil traffic will use the proposed canal, and the savings will be reflected in cheaper prices to consumers in the Ohio River Valley.

Mr. AIKEN. The reason I raise that question is that a month ago I visited the Illinois River canal locality, and was very much surprised to find that approximately 85 or 90 percent of the traffic was north-bound, taking products from the South to the North, and that only 10 or 15 percent of the tonnage was south-bound from Chicago. I wonder if a similar situation would apply in connection with the Tombigbee Canal.

Mr. BANKHEAD. The Tombigbee Canal area has not been in a position to furnish any traffic, because there has been no connection with the Tennessee River. Of course, the lower part of the Tombigbee is navigable, but not for a very great distance.

Mr. AIKEN. Would the Tombigbee Canal take any water from any other waterway?

Mr. BANKHEAD. No.

Mr. AIKEN. It would not affect other waterways in any way?

Mr. BANKHEAD. The T. V. A. is advocating this project.

Mr. AIKEN. There is no objection on the part of the T. V. A.?

Mr. BANKHEAD. We have a letter in the RECORD from the T. V. A. favoring this project.

Mr. AIKEN. That is a very good recommendation.

Mr. BANKHEAD. In connection with increased traffic, I am reminded of a statement by Representative JOHN SPARKMAN, of the Eighth Alabama District, the district through which the Ten-

nessee River runs in Alabama. It runs all the way across the State in his district, from Georgia to Tennessee. Let me read to the Senate the statement on the subject of traffic by Mr. SPARKMAN, who, as I have just stated, represents that entire stretch of the Tennessee River across Alabama.

I know of no project that could serve a more worth-while purpose than the junction of the Tennessee and Tombigbee Rivers with this short canal that would have to be built. I have been very much interested in watching the increase in navigation on the Tennessee River. The Tennessee River runs the full length of my district. That navigable channel is not finished yet and will not be until along toward the end of this year or even next year when the Kentucky Dam near Paducah is finished.

Then there will be a 9-foot channel all the way from Knoxville to the Ohio River, a distance of 650 miles. For the time being, as long as the Gilbertsville Dam—it used to be the Gilbertsville Dam, it is now the Kentucky Dam—is unfinished, there is a bottleneck in that river, so that, instead of a 9-foot minimum channel, we have about a 6- or at the most about a 7-foot channel for that distance of one-hundred-and-eighty-some-odd miles—

That is at the lower end of the Tennessee—

and yet, in spite of that, navigation on the Tennessee River has increased by leaps and bounds in the past several years during the time that the river has been developed.

Senator OVERTON. Is that mostly by boat or by barge?

Representative SPARKMAN. Barge.

Senator OVERTON. Yes.

Representative SPARKMAN. And contrary to the belief of many people, that great increase has not been in the line of sand and gravel and building materials that are used on the river. A great many people will tell you that there has been a tremendous increase in that, but the increase in other merchandise has far exceeded that. In the last 5 years, if I remember correctly, the increase has been 330 percent. Automobiles put on the river up at Evansville, Ind., are brought down and up the Tennessee River and unloaded at Guntersville, Ala., which is the southernmost tip of the Tennessee River, and from there are distributed through Atlanta and all of the southeastern part of our country.

As the Senator on my right has stated, here is evidence from the Representative in Congress from that district that automobiles produced in his State are brought down by transportation on the streams and are distributed into Alabama, Georgia, and the other States in that general area.

Mr. AIKEN. Mr. President, will the Senator state what, in his opinion, would be the effect on the railroads in that locality if the waterway is built, and what has been the experience in the case of the Tennessee River? Perhaps that is the nearest development from which an analogy can be drawn, based upon its experience.

Mr. BANKHEAD. It is the general opinion, and I am sure the Senator will verify it, that water transportation increases railroad transportation at the point of navigation, at the ports where the water transportation commences, because it builds up the cities and towns, because of the cheap rates provided, and because of other reasons. There is not a

large city in this country, larger than Indianapolis, which is not located on navigable water, either on an inland stream or on the coast. That is clear evidence, I submit to the Senator, that water transportation is not injurious to the railroads; because no large city is built without the activity and the success of the railroads serving it.

Mr. AIKEN. If that be the case, to what would the Senator ascribe the hostility of the railroads to the development of waterways?

Mr. BANKHEAD. It is difficult for me to understand it. The railroads have had an idea, which they have not entirely changed, that water transportation is a form of competition for them, that airplane transportation is unfair competition, that public roads, which they claim are subsidized by the Government, are unfair and unjust competition and are injurious to them. But we all know that cannot be true. Wherever there are good roads the country is built up, more passengers are carried by the railroads, more freight and express are hauled by the railroads, more homes are built, and the railroads bring in the materials and the workers, and so forth.

So, I say that when a situation of competition between waterways and railways exists over a period of years, during which both have built up the cities and the country, they have served a good purpose. We all know that water transportation is cheaper than rail transportation. So, when we have that kind of a situation, it is not unfair competition, because the railroads have proved over the years, by their prosperity and success and their building into the ports where water transportation occurs, that they thrive with it.

Of course, no one wishes to have competition. That is the only reason of which I know to account for the attitude of the railroads. But that is the situation.

Mr. AIKEN. Mr. President, I think the Senator's explanation is the correct one. I believe that the development of waterways inevitably increases rail traffic. I think that has been proved time and again. Yet it is very hard to understand the hostility of the railroads to the development of the facilities which increase their business.

Mr. BANKHEAD. Evidently they think it would divert traffic. To some extent it does, but it brings in additional traffic of a different kind.

Mr. AIKEN. It would require the railroads to lower their rates in some cases.

Mr. BANKHEAD. Yes.

Mr. AIKEN. But then they would do more business at lower rates.

Mr. BANKHEAD. We all know that there is not only actual competition by virtue of water navigation but there is also potential competition which the railroads do not like to have. So they try to avoid it insofar as they can.

I am a friend of the railroads. I have no desire in the world to hurt them. I want to see them prosper. I was a railroad lawyer for 25 or 30 years. I mention that to show that I could not have any feeling against them, and I have never expressed any at any time. But I am

firm in my judgment that water transportation is helpful, rather than hurtful, to the railroads and their interests.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. I agree wholeheartedly with the statements made by the Senator from Alabama. The record shows that today the most prosperous railroads in the United States are those which are contiguous to waterways and which have had waterway competition. It is the function of the railroad to transport freight from the ports to the hinterlands. The railroad systems of Pennsylvania—the B. & O., the Pennsylvania—and the Illinois Central, the Louisville & Nashville, and the other great railroad systems which are contiguous to our waterways today are the most prosperous railroads in the country.

Mr. AIKEN. Mr. President, let me ask the Senator another question in connection with the Tombigbee project. Is any power development possible there?

Mr. BANKHEAD. No. It is not a power project. The water is slack water.

Mr. AIKEN. Could there be any power development in connection with the project?

Mr. BANKHEAD. No—or at the most there could be very little. Of course, a little water is used in connection with the locks. But that is all.

Mr. AIKEN. Where will the water come from?

Mr. BANKHEAD. It will come from the Tennessee River. But all that has been considered by the Tennessee Valley Authority and by the Army engineers.

Mr. AIKEN. What would be the cost of such water, in terms of the electricity which it could otherwise be used to develop?

Mr. BANKHEAD. Approximately \$100,000 worth of electricity a year. So that is not objectionable, in view of the tremendous amount of electricity generated by the Tennessee Valley Authority. That point has been fully considered by the engineers and by the Tennessee Valley Authority and, I will say, by the President of the United States, whose interest in power projects is well known.

Mr. President, I now desire to finish reading the statement by Representative SPARKMAN.

Mr. HILL. Mr. President, I should like the Senator to do that. I notice that the distinguished Senator from Nebraska now honors us with his presence. I hope the Senator from Alabama will finish reading the statement by Representative SPARKMAN, because in it he states that a large flour or feed mill has been built in Alabama by a company whose home is in Nebraska, and the building of the mill and its operation have been made possible by the opening of the Tennessee River.

Mr. BANKHEAD. Mr. President, I shall read further from the statement of Representative SPARKMAN:

During the war, of course, those automobiles have not been moving, but instead they have been moving Army trucks, jeeps, ambulances by the thousands through this

same channel and through this same port at Guntersville.

Senator OVERTON. What about steel?

Representative SPARKMAN. There has been a great deal of iron and steel movements. There have recently been built on the Tennessee River four terminals, one at Knoxville, one at Chattanooga, one at Decatur in my district, and one at Guntersville. The one in Decatur was opened first a few months ago. A couple of months ago I saw in the paper that the first shipment had been made through that, consisting of 500 tons of pig iron moving east. I was going down home a couple of weeks ago and happened to be going down in the same car with Mr. Hugh Morrow, president of Sloss-Sheffield Co., in Birmingham.

That is one of the big steel companies there.

It was his company that made that shipment, and he told me that he shipped a great deal of his stuff by water, because with that heavy, slow type of freight water is a natural carrying agency for it.

Senator OVERTON. What is the point of origin of that shipment?

Representative SPARKMAN. Birmingham.

Senator OVERTON. Birmingham. And its destination was?

Representative SPARKMAN. He told that that particular shipment was going up to the Ohio River into the Pittsburgh area or somewhere near, in the general vicinity of the Pittsburgh area. But there is a great deal of iron being shipped that way through the Tennessee River. You would be surprised at the amount of grain.

That may be of interest to Senators.

Senator OVERTON mentioned a few minutes ago incoming shipments of grain, particularly corn. Since the improvement of the Tennessee River there has been built at Decatur, Ala.—

Senator OVERTON. Let me interrupt you there.

Representative SPARKMAN. Yes.

Senator OVERTON. In reference to that shipment of iron originating at Birmingham and going up to near Pittsburgh, what water course did it follow?

Representative SPARKMAN. It went to Decatur, there put on barge on the Tennessee River, down the Tennessee to the Ohio, and up the Ohio.

Senator OVERTON. Thanks.

Representative SPARKMAN. If the Tennessee-Tombigbee were finished, they could put it in right at Birmingham.

Senator OVERTON. I see.

Representative SPARKMAN. Down to Decatur, up the Tombigbee and through the canal into the Tennessee, about 75 miles farther down the Tennessee, and on up the Ohio.

Senator OVERTON. Yes.

Representative SPARKMAN. And probably it would take that course. A great deal of shipments out of Birmingham most likely would take that course.

I was telling you about grain because I noticed your question to Mr. BOYKIN about incoming grain. I want to tell you about the experience in our section with grain. There has been a very large flour and feed mill built at Decatur, Ala., by a company whose home is in Nebraska, the Nebraska Milling Co., and they ship grain down the Mississippi, up the Ohio, and up the Tennessee River to that point, and they grind their grain and feed and distribute it throughout that area.

Down at Guntersville there has been a grain elevator put in, and they ship barge-load after barge-load of grain. The same thing is done up at Chattanooga, and the first shipment that went into the Knoxville Public Use Terminal about a month ago was a barge-load of grain originating from the

Midwest. It gives a tie-in with that great grain section that we never had before, and the river is making a great deal of use of it.

Senator OVERTON. That grain from the Midwest has traveled both by rail and by barge?

Representative SPARKMAN. Well, of course, some of it may originate with rail, but most of it is loaded, I believe, right on the Mississippi there, in Iowa and Minnesota and those States.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BUTLER. We of the Central West are certainly interested in finding markets for our products. We are just as much interested as is the Senator from Alabama in finding markets for the products of his section of the country.

Mr. BANKHEAD. We are all interested in such matters.

Mr. BUTLER. Unfortunately, however, in the Central West the winter season is such that during that time most of our water transportation, whether by river or artificial canal, is frozen. We cannot, of course, get along without the railroads. We need transportation facilities as much as does any other part of the country. I doubt whether very much of the grain moved from our area could possibly be moved by water for the reason that our grain is grown and harvested during those seasons of the year when the rivers are not open to navigation.

Generally speaking, we ship it during the season of the year when the streams are out of commission. So while I am strongly in favor of the use of as much water transportation as is practical, I doubt very much whether it would prove practical in the distribution of grain from our area.

Mr. BANKHEAD. I assume the Senator does not intend to go on record as opposing water transportation. If a total 12 months of water transportation out of each year were not available to him I believe he would agree that it still would be well to have 8 months of water transportation. His constituents would save a great deal of money by using water transportation for only 8 months of the year.

Mr. BUTLER. I should like to have the Senator understand that, while I am in favor of water transportation where it can be economically developed, I do not believe that so far as my section of the country is concerned we can expect to transport a great many of our products by water.

Mr. BANKHEAD. When rivers and other forms of waterway transportation are not available because of being frozen, the same situation would exist with regard to other commodities as with regard to wheat.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MAYBANK. Is it not true that, even though water transportation is at times impractical for certain sections in the North, there are sections in the South where water transportation is practical, and the result is a combination of rail and water transportation which



can be furnished at great saving in cost to the users of such transportation?

Mr. BANKHEAD. Yes. Commodities from the North could be brought to the South by rail to the water transportation areas and then floated on the water. They would then travel by water two-thirds or three-quarters of the distance from the point of origin to the Gulf.

Mr. BUTLER. Mr. President, I may say to the Senator from Alabama that that is exactly the plan that is normally followed. A great many stump loaders have been located along the Missouri River in our area during the past 2 or 3 years. But as yet, no elevators of any capacity have been constructed on the Missouri River. It may be that when the facilities on the river are better developed and they can be relied upon more definitely than at the present time, such equipment as is needed will be constructed, which will result in an increased movement by water. I may say to the Senator from Alabama that we appreciate the opportunity of using combined rail and water facilities when necessary and when it results in lower cost of transportation.

Mr. BANKHEAD. I will say to the Senator, for his encouragement—I know that he is seeking light—that the use of water transportation is accepted rather slowly. I have observed that fact in my own experience. Upon the opening of the Warrior River and the Tombigbee River up to Birmingham, the fact to which I refer was particularly noticeable. For a long time the people of that area retained their old habits with respect to transportation. Gradually the use of water transportation increased, and no one has complained that it has been injurious to the railroads.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MAYBANK. Speaking of the Warrior River, is it not true that after the development to which the Senator has referred took place the rates on cotton were very greatly reduced by the railroads, and that the railroads still continued to do as much business as they formerly did?

Mr. BANKHEAD. There was a substantial reduction in the rates. I do not remember what the reduction was.

Mr. MAYBANK. The rates were reduced from \$4 to \$1.50 a bale.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. LANGER. As I understand, the construction of the proposed canal would materially develop the adjacent areas.

Mr. BANKHEAD. I do not believe there can be any doubt about it.

Mr. LANGER. It is the Senator's belief, borne out by his experience, that agricultural districts all over the United States should be developed.

Mr. BANKHEAD. I certainly take that attitude.

Mr. LANGER. If this canal were to be located in the western or northern part of the United States the Senator would be just as strongly in favor of it as he is now.

Mr. BANKHEAD. Mr. President, I am sure that I have demonstrated what the Senator from North Dakota has said. For a long time I have been a member of the Committee on Irrigation and Reclamation. Senators know that that committee is primarily interested in western farmers only. It has always been immaterial to me that the areas in which the committee was primarily interested were possibly 2,000 miles from where I lived. I am sure that I can truthfully say that I have always been fair to the interests of all farmers. I have taken just as active an interest in all legislation of that type which has come before the committee as I have in the projects for the State of Alabama, and for the farmers—and I am for them, God bless them, wherever they may live in this country.

Mr. LANGER. Mr. President, if the Senator will pardon me I am a member of that committee and I have been impressed by that very fact. The Senator from Montana [Mr. WHEELER] and his colleague from Montana [Mr. MURRAY], neither of whom is a member of the committee, came before it and wanted an appropriation and a recommendation for the approval of Hungry Horse Dam in Montana. They found no better advocate for it than the distinguished Senator from Alabama.

Mr. BANKHEAD. I thank the Senator. If we are going to be sectional about these matters, if we are going to lose this highly important project not only for Alabama, Mississippi, Georgia, and Tennessee and the South generally because it is far remote from the States of other Senators and is not in their backyards or close to them, then we are changing our program and are reversing our agricultural economy and the policy of the past which has been devoid of sectionalism. There has never been any sectionalism in the Committee on Irrigation and Reclamation and there has never been any in the Committee on Agriculture and Forestry. We all work for one common objective. We do not say that because flax is produced in the North we will not be interested in it, nor do we say that because cotton is grown in the South we will not be interested in it.

I want to pay the Senator from Michigan a compliment. I had sort of given up hope of the Senator being for any of our agricultural programs in the South, but he sat here one day for more than 2 hours, perhaps 3, listening to a desultory argument by me in the interest of the payment of parity to the cotton farmers, and when it came to a test, to my surprise, the Senator from Michigan voted for that relief. I honored him for it, and I have thought more of him ever since. I did not know how he was going to vote, but I think he voted his real convictions.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. VANDENBERG. I thank the Senator for his observation. I do not intend to interrupt any of the advocates of the Tombigbee project, but I would not want to allow an implication to be made that

there was anything sectional in the argument I made against the project. My argument certainly was not based upon any such point of view.

Mr. BANKHEAD. I had no thought of suggesting the Senator was making a sectional argument.

Mr. VANDENBERG. I am sure that is so.

Mr. BANKHEAD. I merely said the project in question was so far from him that he could not see it in its proper perspective.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. BANKHEAD. I have not finished my statement and the extract I was reading.

Mr. WILLIS. Would the Senator like to finish.

Mr. BANKHEAD. I think it would be better, if the Senator will allow me.

The Member of the House from whose statement I was quoting said further:

Oh, I was going to tell you one more thing about the Tennessee River. There have been established at Decatur two shipbuilding plants.

I hope I will have the attention of Senators on that point. This is not merely a little interior program to satisfy local politicians. The truth is there has not been any political effort made with the people down there about this project. Mr. SPARKMAN continued:

One of them is owned by the Ingalls Co. It was a peacetime plant. It was not built under the strain of war but was built back in peacetime.

It was built when the river became navigable. There are many kinds of material in that section of the country, not only iron ore and steel but aluminum, and so forth. There is located on the Tennessee River a plant making necessary parts for airplanes which are used in the war. In that region are the important minerals which are needed for that purpose. Some plants have been built along the banks of the Tennessee River, such as the aluminum plant at Sheffield, the Lister Hill plant near Sheffield, and others of the kind. In that way that section is being developed and the raw materials and critical resources of the country are being utilized. All that development has been started since power was made available there and navigation provided, but it is in its infancy.

Representative SPARKMAN says:

It was not built under the strain of war but was built back in peacetime. Back then they were building largely barges and pleasure craft. Since the war has come on they have been building for the Army and for the Navy. They are building oceangoing vessels—cargo-carrying vessels—right now. They recently sent out two. One of them went to Poland. The other one was cleared just a week ago; I don't remember where it was going, but it was going to some foreign country. I have been told—I don't know whether this is true or not—that those are the largest boats that have ever been built at a river shipbuilding plant inland, floated down the Tennessee and the Ohio and the Mississippi and over across the Atlantic.

Listen to that, Senators.

Mr. AIKEN. How large were the vessels?

Mr. BANKHEAD. All I can say is what the record shows. I do not know.

Mr. AIKEN. Mr. SPARKMAN does not say how large the vessels were.

Mr. BANKHEAD. He does not, but says that one of them, a Government ship, went to Poland.

The other one has been building these invasion barges, which is a great stimulation of boatbuilding which I feel confident after the war will convert itself into pleasure craft and barge, and craft to be used on the river.

By the way, just the other day the head of the commerce department of the Tennessee Valley Authority told me that they could not now get the barges that were in demand for the hauling of the freight on that river; that the only thing stopping a tremendous increase is the fact that they cannot possibly get the barges.

So, in reference to the increased use of that river, the head of the Commerce Department of the T. V. A. says they cannot get barges to fill the increased demand. The only thing stopping a tremendous increase is the fact that they cannot possibly get the barges.

I shall not quote further from this able Representative who appeared before the committee, went on record, and recited the actual facts to show the tremendous development there and the increase in water transportation.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WILLIS. I trust the Senator will indulge me for a moment. The matter probably has been explained, but will he be kind enough to explain again what the effect would be on navigation on the Tennessee River from the point where the canal enters the downstream river to the Ohio River?

Mr. BANKHEAD. I think, of course, there is going to be more navigation on the whole Tennessee River up-bound and down-bound.

Mr. WILLIS. There will be some water taken out of the river; will there not?

Mr. BANKHEAD. No. Such a contention has been made, but the water which would be taken would be absolutely negligible. The water from the Tennessee River is not used except for lockage purposes, making the lifts from the lower level of the Tombigbee. No flow goes out from the Tennessee River except through the locks and dams.

Mr. WILLIS. It is protected by the locks?

Mr. BANKHEAD. Yes; and the T. V. A., that is charged with the duty of protecting the Tennessee River locally, favors this project; because they say the amount of water taken will not seriously impair the use which is being made now of the water for navigation and for power purposes. So they are for the project, and their letter to that effect is in the RECORD.

Mr. WILLIS. But there are times, are there not, when the water supply is not sufficient?

Mr. BANKHEAD. No; the water level does not change much on the Tennessee River. The locks and dams under the flood-control program hold it; it is almost stationary all the year round.

Mr. HILL. Mr. President, will the Senator yield there?

Mr. BANKHEAD. I yield.

Mr. HILL. Where the canal will come from the Tombigbee into the Tennessee will be at the reservoir or lake made by the Pickwick Landing Dam on the Tennessee River, and there is plenty of water in that lake or reservoir. There is no question about there being plenty of water for the Tennessee 365 days of the year, and for the Tombigbee 365 days of the year. The canal which will go through Yellow Creek on the Tombigbee River into the Tennessee comes in at the Pickwick Landing Dam reservoir, this great lake. There is plenty of water there.

Mr. WILLIS. There is plenty of water in the reservoir there now?

Mr. HILL. There is plenty of water since the construction of the Pickwick Landing Dam.

Mr. WILLIS. I thank the Senator.

Mr. BANKHEAD. Mr. President, I shall not take further time except to refer to one point.

Mr. President, the Senator from Michigan, in speaking in opposition to the pending amendment last Friday, stressed the fact that the law requires the Chief of Engineers to make a recommendation before Congress has the right to proceed on a project. I read from the Senator's otherwise clear argument, as it appears on page 8682 of the RECORD of December 1:

But, again with great respect, I submit that it makes no difference to the Senate what General Robins thinks or what Colonel Feringa thinks.

He had just been reciting, before that, that they gave testimony with reference to facts which justified the project. The Senator from Michigan, as his language here clearly indicates, was under the impression, certainly he left the impression on me that he was taking the position that these two engineers should have nothing to do with the matter, and that Congress should not follow them, because the law requires Congress to follow the recommendations of the Chief of Engineers.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. VANDENBERG. I can see that the statement is open to a construction which was not intended. What I was attempting to say was that the law requires the Board of Engineers to report to the Chief, that the Chief is the one who submits the final authentic document to the Congress. It was on that basis that I intended to indicate that the report of the Chief is the thing of primary importance.

Mr. BANKHEAD. As an evidential fact reported to Congress?

Mr. VANDENBERG. That is correct.

Mr. BANKHEAD. But not as a legal prerequisite.

Mr. VANDENBERG. I did not undertake to indicate that it was a legal prerequisite.

Mr. BANKHEAD. Very well; the language clearly gave the other impression.

Mr. VANDENBERG. I think it is subject to the construction the Senator mentions.

Mr. BANKHEAD. With that cleared up, there is no difference between us on that point.

The Board made its investigation in accordance with the resolution adopted by the House of Representatives. It submitted its report and recommendations to the Chief of Engineers. So the Chief made his report. He did not differ with the Board, except that he had doubt about whether certain matters which were included should be included in figuring whether it was an economic proposition, a justified proposition. He said that matter should be left to the discretion and judgment of Congress. So he made his report in full. He did not approve all the recommendations made by the Board, but he complied with the law. He made his report to Congress and submitted his conclusions; and what else was there to wait on? Why go back and get another report, inasmuch as he complied with the law, and complied with it to the satisfaction of the committee which gave him instructions to have this investigation made?

The adoption of the project was recommended. What are we to wait on? I know the Senator from Michigan heard the report, because he intimated that it was the result of enthusiasm on the part of General Robins.

Who is General Robins? He is the Deputy Chief of Engineers, the next man in line, the one who is in charge in the absence of the Chief. He has been on the Board for years. Let me quote what he told the committee.

Mr. VANDENBERG. I think the Senator will find what he is looking for in the RECORD itself, if I may be allowed to make the suggestion.

Mr. BANKHEAD. I wish to read an extract from it. I would as soon read it from the RECORD, if the Senator knows what I want. This is what he said, and this was in answer to a suggestion that another report be submitted, that they had not submitted enough reports, or that the Chief of Engineers had not been as direct as to everything as he might have been. I read:

If we came up here and submitted a report recommending a project for slack water on the Mississippi between Cairo and New Orleans by building locks and dams on the river itself at an estimated cost of \$69,000,000, I think you would all take off your hats and cheer. This alternate route on the Tombigbee we are recommending amounts to the same thing, only the locks and dams are to be built on the Tombigbee instead of the Mississippi.

Then he proceeded:

We can go back to the field and make another report.

I hope doubtful Senators who have any question in their minds about the advisability of another report will listen to this. It is nothing but evidential, because the whole matter is under the control of the Senate. No one disputes that, General Robins said:

We can go back to the field and make another report and do all the work over again and hold hearings, and when the new report



comes up before the committee you will have the same old arguments in opposition to the project that you have today. If the committee, if the Congress wants us to make another report, we will be glad to make it. That is the situation as I see it.

At another point he said:

The report will be just like the other one.

The ACTING PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. BANKHEAD. I yield.

Mr. VANDENBERG. The Senator referred a moment ago to my reference to the fact that I thought perhaps General Robins might have been a little overenthusiastic and not entirely judicial in his appearance as a witness. The quotation which the senior Senator from Alabama has just read from General Robins is the sort of thing to which I referred. I do not think it is the business of General Robins or any of the other engineers to labor the Commerce Committee with suggestions that "the same old arguments in opposition to the project that you have today" would be heard if a new survey were made and a new report submitted. I think that is outside the jurisdiction of the General, and it was but one of many instances in which, I will say for the Senator's consolation, that he showed his complete loyalty to the Tombigbee project, and I thought he went far beyond the judicial scope within which an engineer should have confined himself in presenting his testimony.

Mr. BANKHEAD. Mr. President, that, I think, presents very powerful evidence of the strength of this proposition.

Mr. VANDENBERG. It could well be, as I stated, from the standpoint of the Senator and from the standpoint of General Robins, and from the standpoint of Colonel Feringa. I agree with all that.

Mr. BANKHEAD. Here we have an official of the United States with years of actual practice and experience in this particular line of work, who is not involved politically in the question. I do not know anything about his politics; that is something which is totally immaterial, and he has never indicated what it is. He is disinterested, I assume, in his consideration of the subject, and simply follows his judgment and the conviction which has seized him as the result of the study of this remarkable program and project shown by the map exhibited to the Senate.

Mr. VANDENBERG. Mr. President, will the Senator again yield?

Mr. BANKHEAD. I yield.

Mr. VANDENBERG. I simply want the Senator fully to understand my position. It is not to be overlooked that General Robins' superior officer is General Reybold, and General Reybold is the Chief of Engineers, and when in a fair effort to develop the official facts behind this undertaking the able Senator from North Carolina [Mr. BAILEY] asked General Reybold for a report, he declined to do the thing that General Robins and Colonel Feringa did, and said that he could not give a supplemental opinion without a new inquiry.

Mr. BANKHEAD. Because, as the Senator knows, General Reybold has not

been connected in any way with this investigation.

Mr. VANDENBERG. I do not know the reason which impelled General Reybold, but I know he is Chief of Engineers.

Mr. BANKHEAD. There is no evidence indicating in any way that he had experience with the project and contact with it in such a way as to justify action on his part without another survey being made.

Mr. VANDENBERG. I cannot quite consent to that. I think General Reybold has made many reports on the Tombigbee project and has a substantial familiarity with it, and I simply submit to the Senator that General Reybold was proceeding within a sense of responsibility under the law which puts the final responsibility for the report upon the Chief of Engineers.

Mr. BANKHEAD. I do not agree to that statement at all. The law provides that a board shall make the investigation.

Mr. VANDENBERG. And that the Board shall report to the Chief of Engineers.

Mr. BANKHEAD. Yes, shall report through the Chief of Engineers. The Chief of Engineers is not required by law to do anything more than pass on what the board submits to him, and not to give his opinion, which is not binding on anyone.

Mr. VANDENBERG. It is binding on me when it comes through the engineers.

Mr. BANKHEAD. Of course if the Senator wants to find an excuse, very well.

Mr. HILL. Mr. President, will my colleague yield to me?

Mr. BANKHEAD. Yes.

Mr. HILL. General Reybold in his letter to the chairman of the committee stated:

You are informed that in the absence of a full review and reconsideration of this proposed project, I do not feel justified in making a statement supplementing the report in House Document No. 269, Seventy-sixth Congress.

In other words, the Chief of Engineers and all the other engineers had made their official report on this project, which is contained in House Document No. 269. It does not behoove General Reybold, simply because he has come to be Chief of Engineers since this report was made, to open up this report and make some kind of supplementary report or some kind of comment of his own, unless the Congress or the Commerce Committee, following the lines of regular procedure, should refer the matter to him and ask him to make a restudy or a resurvey. If such a practice should be followed, then every time there was a change in the Chief of Engineers all those who were not quite satisfied with the report they had gotten from the Chief of Engineers who made the report and sent it to Congress would try to get the new Chief to stick his nose into some report which had already been made and filed on behalf of the engineers of the Army. There is nothing unusual in General Reybold's conduct. I do not blame him one bit. If I had been Chief of Engineers I am

sure I would have taken the same position he did. It was not up to him to make a change in the report made by the Chief of Engineers and the Board of Engineers for Rivers and Harbors.

Mr. VANDENBERG. Mr. President, will the Senator again yield?

Mr. BANKHEAD. I yield.

Mr. VANDENBERG. I will make a final observation, because I do not want to prolong this debate, and I am sure the Senators from Alabama and the Senator from Michigan could never agree on this particular proposition at this particular time, so I think it is rather a waste of effort for either of us to try to convince the other.

Mr. BANKHEAD. I think what we are doing is try to convince someone else.

Mr. VANDENBERG. I simply want to say that I can paraphrase my position in the exact language of the Chief of Engineers. I will say to my distinguished friend from Alabama: You are informed that in the absence of a full review and reconsideration of this proposed project, I do not feel justified in authorizing the appropriation of \$75,000,000.

Mr. BANKHEAD. Mr. President, I am not going to protract this debate. I am sorry there is no chance in the world to convince the Senator from Michigan, as he proudly boasts. I never had much hope of doing that in the beginning. But the Senator in his remarks on Friday read the list of Senators who voted against a similar proposal which was before the Senate on a previous occasion, and sought in fact to create the impression that there had not been anything in connection with the whole case which would justify a change in position, because there was no official report of the Chief of Engineers reciting subsequent facts.

Mr. President, the record shows that the Deputy Chief of Engineers, and another officer, Colonel Feringa, who is a member of the Board, testified that there has been an increase in traffic three or four times over what it was when the report was made. They justify the project, and testify that the project is justified regardless of the elements that were rejected or doubted by the previous Chief of Engineers.

The Senator from Michigan seems to have an idea that the justification must be made by some official report. We can take the testimony of witnesses. If not, then there is no use in holding hearings. I think we can rely on Government officials who in the line of their work testify to their knowledge of conditions and of changed conditions, and of the meaning of the changed conditions, and what the conditions are now, for now is the time with which we are dealing in connection with this subject. They can testify concerning the changed conditions, not the cons but the pros represented by the changed conditions, and in testifying they say we are fully justified in proceeding with this project, and they further say "If you want us back we will come back with the same report." That is common sense.

Mr. President, the project is justified by all the evidence submitted at this time. The project is a valuable one not

only to Alabama but to Georgia. The project will open up improved navigation routes through the Alabama River and the Coosa River to Rome, Ga. It will give all that territory and all of east Alabama access to the Gulf. It will give quick access to markets to growers of peaches, and watermelons if the transportation means are so improved as to permit of refrigeration of peaches and other fruits. It will open up that whole section of the country in Alabama and Georgia which is now cut off from quick water transportation.

As I have said, the Senator from Michigan read the list of Senators who voted against the project on a previous occasion. I would not condemn any man for voting against it under the circumstances which prevailed at that time, because the water was not present in the Tennessee River to make the proposed project clear-cut, until the dam below the junction point was built, raising by 50 feet the level of the water in the mouth of Yellow Creek, which is one of the creeks which make up the Tombigbee.

There is now 50 feet more water at the junction point than there was when this project came before the Senate on a previous occasion. That makes all the difference in the world. At that time it would have been necessary to have locks to bring water from the Tennessee River to carry traffic down to the Tombigbee, 100 feet below. Now there is all the water that is needed. The only question is how much it is necessary to take. As the record discloses, and as is the known fact, heretofore there was not enough water. There were not enough dams to develop navigation on the Tennessee River below Wilson Dam. Now there is navigation. There is commerce from the Pittsburgh area and from the western grain area. Everyone knows that such commerce will increase. It is increasing by leaps and bounds all the time.

I submit that the factor of cost should not prevent this operation. Appropriations will be made to proceed in an orderly way. One of the engineers testified that 3 years would be required to finish this work, so the appropriations would not be more than \$8,000,000 a year. Calvin Coolidge once said, in connection with junking the Wilson Dam, "It did not cost any more than a battleship." The expense of this project would not be as much as the cost of one of our large battleships. The project would provide transportation and communication throughout that great valley, and bring our people closer together.

It would bring about a better understanding between the people who live in various sections of the country. The interchange of business between the southern area and the Pittsburgh district on one side and the St. Paul-Minneapolis territory on the other would bring the people closer together and bring about a better understanding.

I do not wish to base my argument on personal grounds; but I submit that the Birmingham area has some right, in building its destiny and in the development of the natural resources which a great Providence deposited there, to an outlet to other sections of the country.

It has some right to an exchange with people in other sections of the country of its minerals, metals, and other products for the grains and the great variety of products of other sections of the country. The Birmingham area is now deprived of that right by the swift current coming down the Mississippi River, and by the great distances which it is necessary to travel, all the way down through Mobile, over to New Orleans, and up the swift current of the Mississippi, to reach other sections of the country. I say that it is not just to that section, and it is not just to the sections upstream, to be deprived of the right to interchange their products.

This is a wonderful project. It is a dream. It is intriguing. It has been attacked because of its cost. I have heard of much larger projects than this, supported by men who are opposing this project on the ground of its cost. I have heard them support other projects which cost a great deal more money than this one would cost.

Let me say to the Senator from Michigan, if it is helpful to him, as showing my spirit of fairness of cooperation with various other sections of the country in their development programs, that when the St. Lawrence treaty was before the Senate involving a project farther from my State than the Tombigbee Canal is from the States of other Senators, I voted for the ratification of that treaty. I hope Senators will vote for this project on its merits, to prove that it is a good thing for the whole country, as well as for one particular section of the country. On that basis I shall be satisfied.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BUTLER. I was not present at the beginning of the Senator's dissertation on this general subject, and it may be that I shall ask him questions which have already been answered. I was necessarily absent at a committee meeting.

Are not most of the people in the area which would be served by the construction of this canal now served by traffic down the Tennessee River, or down the Warrior River or Alabama River?

Mr. BANKHEAD. The distance from Birmingham and other places is about 1,500 or 1,600 miles greater. The distance is prohibitive. Furthermore, there is the factor of cost in going against the swift current of the Mississippi.

Mr. BUTLER. The construction of the canal would not serve the State of Nebraska any better than it is served at present by going up the Tennessee River from Cairo or Paducah. An outlet might be furnished down the Tombigbee and Warrior Rivers to a coastal port. The point I am getting at is this: By the construction of the Tombigbee project it is proposed to construct a double-track water-transportation system for the Mississippi Valley area, rather than having a single-track system as at present. In other words, it is proposed to duplicate what is now available on the Mississippi River, eliminating, of course, a great deal of distance in many cases.

Mr. BANKHEAD. I should not call it a duplication.

Mr. BUTLER. Let us approach it in another way: The construction of the Tombigbee Canal and the system proposed by the Senator would make it possible for the steel interests and others at Birmingham to transport their products down the Warrior River and then up the Tombigbee to the northern markets a little more easily than can now be done by going down the Warrior River to Mobile, over to New Orleans, and up the Mississippi to the same markets.

Mr. BANKHEAD. Traffic from that area could not move any more easily than traffic from the Pittsburgh area; in fact, not so well, because traffic from the Birmingham area would move upstream, while traffic from the Pittsburgh area would move downstream.

Mr. BUTLER. The main point on which I should like to ask the Senator's opinion is this: He referred to this plan as a dream. It is a dream of the future, and I believe it has a great deal of merit. I believe the time may come when we should give serious consideration to such projects.

This case involves the diversion of water from one drainage area to another, which in my section of the country is almost a violation of the law of God. In fact, we have a State law in Nebraska at present which prevents the diversion of water from one drainage area to another. If we adopt the policy proposed in this plan, I should like to ask the Senator why it would not be reasonable for some of us in the great grain-producing area, the bread basket of the United States, in Iowa, Nebraska, Minnesota, and the Dakotas, to propose the construction of a slack-water canal coming out of the Missouri River in the vicinity of Sioux City, crossing the State of Iowa, joining with the Mississippi River, then taking the escalator, or elevator, up the Mississippi River far enough to get above the water level of Lake Michigan, and then having a slack-water canal from that point, which would be near Dubuque, over to Chicago.

In that way the great grain-producing area of the Central West would have what is called a slack-water canal, a very cheap means of transportation from the largest grain-producing area in the world directly to the market at Chicago, on Lake Michigan.

I can see that the two would be similar in many respects. I think they are both somewhat a dream of the future, but I think perhaps the Senator will agree with me that it would be advisable at some time in the future to consider the shortening by a thousand miles of the route from the grain-producing areas to the Chicago market. We now have a water route from Sioux City to Omaha to St. Joseph to Kansas City and down to St. Louis, then up the Mississippi River, then through some canals, and ultimately to Chicago. But by the construction of the system I propose which would be similar to the Tombigbee, but would be a little longer, the distance would be reduced by half.

Mr. BANKHEAD. Mr. President, I cannot try the Senator's case here on



the floor of the Senate. I do not know about it. We submitted our case in the open. When the Senator gets ready to submit his case, I do not know whether I will be here; I doubt whether some of us older Members of the Senate will be here when another river and harbor bill is passed. Prior to the pending bill, only one river and harbor bill has been considered by Congress for a number of years, and it was vetoed.

Mr. BUTLER. Mr. President, I do not think the Senator and I are attempting to make a trade for support on the proposition.

Mr. BANKHEAD. The Senator is looking at me with a question on his face. If he has a good project, I will vote for it, as I did for the others. I voted for all the irrigation projects, although I did not know very much about them. Of course, they do not do my section of the country any good.

Mr. President, in further answer to the statement of the senior Senator from Michigan as to the Senators who voted against this project when it was previously considered, let me say that, in view of the different situation which now exists, in view of the fact that progress has been made in the development of the rivers, and with the water supply now so available on the Tennessee River, and with water transportation becoming very popular, not only because the people like it, but because it is cheaper, and people always prefer to use what is cheaper for them, I desire to call the attention of the Senator to a few other able Senators who now support this project. Let us consider the membership of the Committee on Rivers and Harbors of the House of Representatives. The chairman is Judge MANSFIELD of Texas, one of the greatest men who has ever served in Congress. He devotes all his time and responsibility to his duties as chairman of the committee, and he has the respect of all the Members of the House, as well as the Members of the Senate. He is an advocate of this project.

Let us consider the action of the Committee on Rivers and Harbors after all the testimony was before them. They did not rebuff the project, and say, "Oh, the Chief of Engineers did not make any statement recommending the project in particular." No, Mr. President; they dealt with the project on its merits. They are accustomed to studying water projects and to dealing with them. A majority of that committee favorably recommended this project, and included it in the committee report.

Of course, as has been stated, a majority of the Members of the House of Representatives did not vote for it. I doubt whether many of them gave much consideration to it. I will not pursue that point, but we all know how difficult it is for the Members of the House of Representatives, who predominantly come from the cities of the country, to understand in detail the value of a water project so comprehensive as is this one. We wish to give them another chance to consider the project, just as we do in respect to so many subjects which are before Congress in the course of legislation.

On the Senate side of the Capitol there is the strong and able Committee on Commerce, of which the senior Senator from Michigan is a worthy member. I have obtained the record of the vote on this amendment in the committee. To my surprise, I find that the Senator from Michigan had only one vote supporting him in opposition to endorsement of the project by the Committee on Commerce and its inclusion in the bill. I know that the Senator from Michigan does not desire to reflect on the other members of the committee simply because at one time, 5 years ago, the project was defeated.

Then, Mr. President, there is the wonderful chairman of the subcommittee, the Senator from Louisiana [Mr. OVERTON], handling this bill. We all have the greatest respect for his experience, wisdom, and fairness. My hat is off to him because he might have been subjected to local criticism for the position he took. Nevertheless, he took a broad, statesmanlike position in dealing with a great national question, not a local one, and he voted to make a favorable report on this amendment.

Then there is the chairman of the Committee on Commerce, the distinguished senior Senator from North Carolina [Mr. BAILEY], who is one of the outstanding Members of the Senate—one of the ablest men in any parliamentary body in this or any other country. The project under consideration is remote from his State of North Carolina, but, nevertheless, he has taken his usual courageous stand regarding it. We all honor and respect him. Notwithstanding the fact that 5 years ago he voted against this project, in the light of the new facts which have developed he voted to include it in the bill.

Mr. President, as I have said, a large and overwhelming majority of the Committee on Commerce voted to include the project in the bill. Notwithstanding the intelligent, active, and vigorous arguments of the senior Senator from Michigan, they voted almost unanimously to include it. I would not have mentioned these matters except for the opposition of the Senator from Michigan, who said that a number of good men voted against it 5 years ago. Mr. President, we must remember that conditions have changed so greatly that any Senator who desires to act upon the real merits of the case, not merely to maintain a technical position of consistency, is justified in voting for the project at this time. The Senator from Michigan seemed to take the position that because strong men voted against the project on a previous occasion, therefore strong men will vote that way again. Of course, Mr. President, all such men do not act upon technicalities of that sort or upon abstract theories of that nature.

Mr. President, I am now through. I am willing to submit this matter to the Senate, after my colleague from Alabama makes his statement about it and after other interested Senators discuss it. I understand that the chairman of the subcommittee will express himself regarding it, and I hope he will do so. I wish to thank him and all other Sena-

tors who, with fairness and broadmindedness, have considered this proposition on its merits.

Mr. HILL. Mr. President, my distinguished colleague the senior Senator from Alabama [Mr. BANKHEAD] has well and ably presented the case of the Tennessee-Tombigbee project. I wish to join with him in his very excellent statement, and emphasize what he said, namely, that this would not be a local or sectional project. It is true, Mr. President, that the project would be beneficial to Alabama. It is also true that it would be beneficial to Mississippi. But I doubt if any waterway project, more national in scope, could be presented to Congress. I doubt if any other project would benefit so many States, and so many millions of people, as would the Tennessee-Tombigbee project.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. EASTLAND. Is it not a fact that the Ohio Valley would primarily benefit from the construction of the proposed canal?

Mr. HILL. The Ohio Valley would primarily benefit. That is exactly what I was about to state, if I may say so to my good friend from Mississippi.

Mr. President, if we look at the map, we will see that the proposed project would really start at Demopolis, Ala., because a part of the project from Mobile up the Tombigbee River to Demopolis has already been developed. The channel is 9 feet deep.

Starting at Demopolis, going up the Tombigbee River into Yellow Creek, where the canal would be dug, leaving the river and going into the Tennessee at the Pickwick Dam Reservoir, there is a distance of approximately 260 miles. Of course, the people of the section of the country through which the Tombigbee flows would be greatly benefited by this project. It is also true that the people along the Warrior River up to Birmingham would be benefited. We know that today the Government is operating barges on the Warrior River. The project would tie the Warrior River into the Tombigbee, then into the Tennessee, and south into the great Mississippi Inland Waterway, without going through Mobile and through the Intracoastal Canal by way of New Orleans. There would be great benefit to the people of Alabama and of Mississippi. There would also be great benefit to the people of Tennessee, to the people of Chattanooga, and to the people of Knoxville. Great benefit would be realized by the people throughout approximately 260 miles of waterway which now exists on the Tennessee River. There would be benefits to the people along the Cumberland River up to Nashville, Tenn. There would also be great benefit inuring from this project to those who live and are served by the Ohio River, starting at Paducah, Ky., and going up the Ohio to Cincinnati, Wheeling, and Pittsburgh. The benefits would be further extended to those residing along the Illinois River, the Illinois Canal to Chicago, and into the Great Lakes area. Added to those benefits would be the benefits realized along the Missouri River

to St. Louis, Kansas City, and Sioux City, Iowa. All of that vast inland area, including approximately 34 States, would be greatly benefited by the construction of the Tennessee-Tombigbee project.

Mr. President, I have said that the project is neither local nor sectional. It is one which would benefit approximately 34 States, the entire inland waterway system of our country, and the whole Nation.

As we all know, today a large volume of traffic passes south down the great Mississippi River and into the Gulf. But the current of the Mississippi River is approximately 2½ miles an hour. It is that current, Mr. President, which adds much to the cost of the navigation on the great Mississippi River inland waterway. The fact is that boats going down the river have a very distinct benefit from the strong current, but when they return up the river they must go against the current, which results in a great increase in the cost of operation.

Mr. President, while I am speaking of cost, allow me to invite the attention of Senators to some of the savings which would result from the construction of the Tombigbee-Tennessee project.

I shall quote some figures furnished by the United States Army engineers. They are not figures taken from any outside source, but have been submitted by the United States Army engineers to the Rivers and Harbors Committee of the House of Representatives, as well as to the Senate Committee on Commerce.

The figures deal, for example, with the cost of a tow of eight barges moving from New Orleans to Cairo by the way of the Mississippi River. The cost would be \$6,273. The same tow, moving from New Orleans to Cairo by the way of the Tombigbee, over the slack water route where a strong current did not exist, would cost only \$3,868. By using the slack water route a saving would be effected of \$2,405. In other words, as someone has said, the tow would be going down hill all the way down the river and all the way back. By building the Tennessee-Tombigbee project the necessity of boats encountering the strong current to which I have referred would be obviated. A tow would not have to buck the current as it must today.

A saving of \$2,405 on the route from New Orleans to Cairo by the way of this project would affect not only shippers of freight to Cairo, but all shippers who might be located north of Cairo. It would mean a saving of \$2,405 for St. Louis, Kansas City, Sioux City, St. Paul, or Minneapolis, Chicago, and the Great Lakes.

Such a tow moving from New Orleans to Paducah, Ky., by way of the Mississippi, costs \$6,472, whereas moving from New Orleans to Paducah by way of the Tombigbee and the Tennessee the cost would be only \$3,669, representing a saving of \$2,803, which would accrue not only to the shippers at Paducah, Ky., but to all the people up the great Ohio River whether at Cincinnati, Ohio, Wheeling, W. Va., or Pittsburgh, Pa. As we know, the Government of the United States has spent millions of dollars putting in locks

and canals on the Ohio River, making that great waterway available to the great cities of Ohio and West Virginia, and Pennsylvania even on the Monongahela River. The Tennessee-Tombigbee project is a part of the Ohio River project. It would make that project much more economical and much more feasible.

A tow moving from New Orleans to the junction of the Tombigbee by way of the Mississippi River into the Ohio and the Tennessee Rivers costs \$7,324; a tow from New Orleans to the junction of the Tombigbee with the Tennessee River by way of the Tombigbee River would cost only \$2,817, representing a saving of \$4,507. That saving would accrue to all the shippers on the Tennessee River to the north or to the east of the junction of the Tennessee and the Tombigbee. In other words it would mean a saving to the people of Chattanooga, Tenn., to the people of Knoxville, Tenn., and to all of the people living north and east of the point of junction of the Tennessee and the Tombigbee Rivers.

Mr. President, of course with the Tennessee-Tombigbee project in operation some of the traffic at least which now moves from the Tennessee into the Ohio and down the Mississippi by way of New Orleans into the Gulf or into the inter-coastal canal would go right down the Tombigbee River. On freight moving from Cairo to Mobile there would be a saving of \$3,200—that is to Mobile, not to New Orleans—moving from Paducah to Mobile, taking that route rather than the Mississippi River route, there would be a saving of \$3,688; moving from Mobile to the Tombigbee-Tennessee junction there would be a saving of \$5,392. These figures show what this waterway means in savings. It makes no difference whether the shipper is in Wisconsin, or in Alabama or Mississippi, if this waterway is built he has the opportunity to have this saving and derive the benefits from this waterway.

The truth is, Mr. President, that the Tennessee-Tombigbee is today the missing link in our great Mississippi inland waterway system. If we provide this development and thus supply the missing link, we eliminate the bottleneck caused by the swift current, and the increased costs due to the additional quantity of fuel which it is necessary to use, and we reduce the time consumed in bucking the current and also the cost of insurance and the other items which enter into the equation. So, many items of cost will be greatly reduced, and the whole inland waterway system of the United States will be made more economical, more efficient, and more feasible.

This is a project the like of which is not to be found anywhere, unless it be in Russia, where, as Senators know, the Government of Russia has tied the Don and the Volga Rivers together. Nothing outside the great feat of the Russian Government in tying these two mighty streams together is comparable to this waterway in what it would mean to millions of people in the United States.

Mr. HOLMAN. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to my friend from Oregon.

Mr. HOLMAN. Is it not a fact that the Rhine and the Danube are connected by canals? Is it not also a fact that one can enter the Rhine in Holland and come out at the mouth of the Danube in the Black Sea?

Mr. HILL. It is my understanding that they are connected; and so when I spoke about nothing being comparable to the Tennessee-Tombigbee project in its tremendous possibilities, I should have said the Germans and the Dutch have done what the Senator from Oregon suggests, and we all know what that development has meant to those countries, insofar as transportation and economic benefits are concerned. The Senator has cited a fine example of tying in watersheds, as we are asking to have done in the case of the Tennessee and the Tombigbee Rivers.

It had been my thought to discuss it a little later on in connection with the subject of national defense, but we know what the tying in of rivers and canals has meant not only to Germany but to Russia from a national defense standpoint. In Russia, when the Germans had bombed out highways and railroads and bridges, these great rivers, the Don and the Volga, constituted the main arteries of supply for the Russian armies as they met the German hordes on their western front.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. EASTLAND. Is it not a fact that Hitler on several occasions has boasted that if the German rail system were damaged by air attack he would supply transportation by the many miles of waterways and canals he has constructed in Germany?

Mr. HILL. It is my understanding that he not only made that boast on one occasion but on a number of occasions, and it is also my understanding that he has carried out that boast and is today using the German waterways to great advantage. The fact of the matter is, if he did not now have those waterways with which to move his supplies and materials and men and to keep the economy of Germany going, it is very doubtful if Germany could continue in this war.

Mr. EASTLAND. I thoroughly agree with the Senator. I think that Germany would be out of the war today if it were not for the German canal system that transports products to German war industries.

Mr. HILL. I agree thoroughly with the Senator from Mississippi, and thank him for his observation.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. AIKEN. I should like to ask the Senator from Mississippi if it is not a fact that it was the complete system of inland waterways that enabled Russia to keep in the war when she faced absolute collapse?

Mr. HILL. That is the statement I made about tying in the Don and the Volga Rivers. If the Russian Government had not had the wisdom and the



vision and the good sense to tie in those rivers, Russia would never have been able to stop the German hordes on her western front, and not only stop those hordes but perhaps save the world.

Mr. AIKEN. May I ask the Senator from Alabama, is it not also a fact that those very inland waterways, which permitted those European countries to continue in the war when otherwise they would have been beaten, are going to enable them to put their goods in the world market after the war at prices with which we cannot compete unless we also make the most use of our inland waterways?

Mr. HILL. I agree thoroughly with what the Senator has said. We are going to be at a great disadvantage in the post-war era in competing with the other nations if we do not develop our waterways for the cheap transportation they give us.

Mr. AIKEN. Is it not a fact, too, that almost every manufacturing center in Russia is on an inland waterway, and it is their goods we are going to compete with some day? Here in the United States it costs more to get our goods from the inland cities to the coast than it costs Russia to transport her goods to Melbourne or Sydney or almost any other place in the world.

Mr. HILL. The Senator is exactly correct, and I wish to thank him for his very pertinent statement.

With further reference to the observation of the Senator from Oregon about the Danube, the historians tell us that when DeSoto and his men arrived at the Mississippi River, they exclaimed, "Another Danube! Another Danube!" The trouble has been that we have not been wise, as the Germans were, and have not developed our Danube, our great Mississippi, with its great inland waterways, as we should have done.

Mr. HOLMAN. Will the Senator permit another observation?

Mr. HILL. Certainly.

Mr. HOLMAN. The difficulty in connection with the rail lines demonstrates, it seems to me, the necessity of providing auxiliary or supporting means of transportation. If this country continues to grow I believe it is reasonable to expect that the rail lines will not be able to carry the commerce presented to them.

Mr. HILL. The Senator is absolutely correct, and I am glad he made the observation, because it has been suggested that the increased tonnage we have on our waterways and our railroads and our other means of transportation, is all due to the war. Of course, we must frankly admit that a great deal of it is due to the war, but our goal in this country is not to go back to pre-war days. We are talking about having jobs for 60,000,000 people. If we are to have that kind of an economy, then we will have to have accelerated transportation; we will have to have the waterways, railroads, and highways, and air transportation, and all the means we can command moving the commerce and the traffic and the freight of the Nation.

Mr. President, it is because the Army engineers studied this project carefully, because they went into it in detail, as

they do into all such projects, that we have this report here today, and have this committee amendment with favorable recommendation from the Committee on Commerce. This great project was studied not only by the Board of Engineers considering rivers and harbors but there was a special board which spent many weeks and months studying it. That board was composed of Col. F. B. Wilby, at that time a colonel in the Corps of Engineers, now General Wilby, of the Corps of Engineers; Col. Roger G. Powell, Corps of Engineers; Col. R. Park; and Maj. Bernard Smith. They studied the project, they went into every detail of it in a most searching and careful way, and submitted their report recommending that the project be constructed. After they had made their report, the report then was reviewed and studied further by the Board of Review on Rivers and Harbors of the Corps of Engineers.

The chairman of the Board of Review was Gen. M. C. Tyler. No doubt many Members of the Senate have known General Tyler, as I have known him. We may not always agree with General Tyler in all his actions and opinions, but if I had any complaint with General Tyler it was that he was too conservative and too cautious. At times I thought that perhaps General Tyler was thinking too much in terms of the mathematics of some past situation, as to what the figures were yesterday, rather than having the vision and imagination to know what the situation would be tomorrow. Certainly no one has ever thought of General Tyler except as a very sound, very conservative, very painstaking, and a very careful engineer. He was chairman of the Board which submitted this favorable report. There was no dissent on the part of the members of the Board, there was no dissent on the part of the special Board headed by Colonel Wilby, now General Wilby, of the Corps of Engineers. The decision was unanimous on the part of both boards.

I wish to say to the Senate frankly that General Schley, the Chief of Engineers, did not make the kind of a forthright endorsement of this project I thought he should have made, and that I would have liked to see him make. He did say there were certain considerations which went into the determination of the project which he thought Congress—he used the term "statesmanship"—could determine better than the engineers could. I have no fault to find with General Schley. He was acting in his official capacity. But I know General Schley; I knew him when I was a Member of the House of Representatives, and I know that if there has ever been any man in the Corps of Engineers in the last 25 years who was slow about making a definite statement or giving a definite or precise opinion on any matter, it was General Schley. We all know that he is that type of man. He was so careful and so conservative and so cautious that it was almost impossible, in many matters, to have him come right out and say "Yes" or "No," or "I approve" or "I disapprove." He was the kind of man—he

is the kind of man—with that cautious, conservative nature, who would make a report just like that he made on this project. But he did not have the knowledge of the project that either the special board or the Board of Review had, because he did not have the opportunity, as Chief of Engineers, to study it. He had a thousand and one different problems engrossing his time. He had all kinds of administrative matters, and all the other many things which enter into the duties of a Chief of Engineers. He did not for days or weeks or months study the testimony, and surely did not go out into the field and make the personal study and survey which the special board made.

As my colleague, the senior Senator from Alabama, has said, one member of that board today is General Robins, the Deputy Chief of Engineers. He ranks next to the Chief of Engineers. If for any reason the Chief of Engineers is not able to be on the job, General Robins acts as Chief of Engineers. General Robins was a member of the Board of Review, and he stood beside General Tyler, he studied this matter, he investigated it, he heard the evidence and carefully perused the testimony. I wish to read his statement. There is no way "to laugh it off." Senators know General Robins, and I submit to them that he is a careful, cautious man, an able engineer, who deals in facts and not in fancy, who does not permit his imagination to run away with him, but is more inclined to think in terms of figures and facts, certainly, than anything else. I do not believe that in the whole Corps of Engineers today there could be found a sounder man than General Robins, or a man upon whose figures or judgment we could better rely. When one knows General Robins and has contact with him, he seems to feel that he is a man who in his personality, in his ability, in his character, and in his courage, typifies all that we like to think of as the very best in the tradition of the Corps of Engineers.

This is what General Robins had to say when testifying before the Senate Committee on Commerce:

Mr. Chairman, if we came up here and submitted a report recommending a project for slack water on the Mississippi between Cairo and New Orleans, by building locks and dams on the river itself at an estimated cost of \$66,000,000, I think you would all take off your hats and cheer.

"Take off your hats and cheer." My good friend the distinguished Senator from Michigan felt that General Robins was too enthusiastic in what he had to say; that in making so strong a statement perhaps he went beyond the bounds of what he as an engineer should have said to the committee. General Robins had sat before the committee for at least 2 days, and had heard all the railroad interests and the other interests which were opposed to this project come forward and "lambaste" the project, and seek to torpedo and sabotage it. Knowing the project and knowing the facts, knowing how justifiable and needed the project is, and having deep feelings in connection with the matter, sound and

conservative as he is, he gave expression to the words I have quoted. I think General Robins is correct. If the Corps of Engineers came to the Congress and said, "Gentlemen of the Congress, give us \$66,000,000 and we will provide a slack-water route back from the Mississippi River route which will obviate all the extra cost due to the 2½-mile current down the Mississippi River," I think Senators from the great Mississippi inland empire by and large would throw up their hats and cheer. Mr. President, in my mind, there is no question about that.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WHERRY. The distinguished Senator from Alabama made a rather lengthy statement relative to the military advantages of an inland waterway system, and quoted, I think, what Hitler said relative to the German system, and what Stalin said respecting the Russian system. I should like to ask whether in any of the hearings testimony has been adduced by General Schley or any other military men advocating the building of this project for military reasons, for reasons of national defense?

Mr. HILL. I will say to the distinguished Senator from Nebraska that one of the items on which the report was based was an item of national defense. I will say in that connection that General Robins made this statement to the Committee on Commerce:

General ROBINS. Unquestionably, if that waterway were in operation today—

That is the Tennessee-Tombigbee waterway—

It would be of tremendous value for national defense.

Then he continued to say:

But you cannot put a money value on it any more than you can put a money value on winning the war.

Mr. WHERRY. In other words, it is not a justification for the appropriation? That is not given as a justification by any military men?

Mr. HILL. Yes; the Board of Review, and the special board, which investigated the matter, included national defense as one of the justifications for their report; but I will say that General Robins and Colonel Feringa, who represented the Corps of Engineers before the Commerce Committee, said any consideration of national defense could be disregarded, and yet in their opinion the project would still be justified.

Mr. WHERRY. Did General Schley make that recommendation?

Mr. HILL. No; General Schley did not make that recommendation. So far as I know, General Schley never appeared before the Commerce Committee.

Mr. BANKHEAD. He said in his letter addressed to the House Committee on Rivers and Harbors that that was a matter of statesmanship.

Mr. HILL. He said that the matter of national defense was a matter for Congress to determine, and, as he used the term, it was a matter for statesmanship. I will say to the Senator—and I do not

want to go too far away from the subject under consideration—

Mr. WHERRY. I am not desirous of getting away from the testimony which was offered.

Mr. HILL. I am delighted to have the Senator ask any question he wants to ask.

Mr. WHERRY. I am vitally interested in what General Schley said, and I want to know whether he said in his justification for the appropriation that it could be maintained from a general defense standpoint. I am very much interested in that.

Mr. HILL. General Schley said that he thought the defense factor should be determined by statesmanship, which meant it was a factor for us to determine rather than for General Schley to determine.

Speaking of national defense, Mr. President, I realize that there are times when we deal with these matters of national defense when some may think that we are dealing in terms of fanciful things or things which perhaps may never occur. Certainly during this war, starting with the treacherous attack at Pearl Harbor, many things have happened which most of us could not foresee, and which many of us would not have thought possible. The Senator, of course, well remembers that the doom of the southern Confederacy was sealed in the War between the States when General Grant won the Battle of Vicksburg and cut off the transportation of the Mississippi River and divided the southern Confederacy. That was the beginning of the end. Although the South carried on for over 2 years, yet from that day on the end of the war, as the historians now look back over it, was never in doubt. If anything should ever happen to the Mississippi River in time of war and the Tennessee-Tombigbee project were completed, we would have an alternate route. I think I can say to the Senator from Nebraska that if he will consult American history he will find that the last time this country was invaded it was within a few miles of the Mississippi River.

Mr. OVERTON. It was the only time.

Mr. HILL. It was the only time we were ever invaded, as the Senator from Louisiana suggests, and then on the plains of Chalmette General Jackson defeated the British. The Americans were fighting not only for the Louisiana Territory, but were fighting for the great Mississippi River. Remember, that was back in the days before we had railroads, fine highways, and airplanes. The Mississippi was the mighty artery for commerce, trade, and traffic in that area. One of the reasons why the British landed at that point was so they might seize New Orleans and take control of the Mississippi River.

Mr. WHERRY. Mr. President, will the Senator again yield?

Mr. HILL. I yield.

Mr. WHERRY. I want to thank the Senator for his statement. I do not want to enter into a discussion of how we fought the Civil War or the War of

1812, but I am intensely interested in the statement the Senator made with respect to justification for the project, and while the legislation is a matter for statesmanship, yet in exercising our statesmanship we should be guided by recommendations of men like General Schley, if, in his justification for the appropriation he mentioned or attempted to justify the appropriation on the basis of military grounds or on the grounds of national defense. I know that the distinguished Senator from Alabama has followed the hearings and is well acquainted with the situation, and I simply asked the question with respect to national defense. I think the question of national defense is of vital interest. I should deeply appreciate obtaining General Schley's point of view concerning national defense. While it is true that the proposed legislation is a matter which concerns statesmanship, yet I should be guided to a considerable extent by what General Schley has recommended in the way of national defense.

Mr. HILL. Mr. President, I appreciate very much the fact that the Senator from Nebraska raised that question. As he knows, the Tennessee-Tombigbee project will tie in with the great project which is in existence on the Tennessee River today, and the cornerstone of that great project was national defense. There is every reason why the Congress in passing on these great waterway questions should give consideration to the question of national defense.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Michigan.

\*Mr. VANDENBERG. I do not think we should be led astray by this inquiry concerning the national defense. Is it not a fact that this is the only report ever made upon a river and harbor project by the Board of Engineers for Rivers and Harbors in which they undertook to bring in an item of national defense and allocate a money value to it by way of justification for the navigation benefits?

Mr. HILL. The Senator may be correct about that. I do not know. I do not know of any other project where they used a national defense item as a base or part of a base for their favorable report. But the fact that they have not done so in connection with other projects does not mean that Congress should not consider national defense in connection with this project.

Mr. VANDENBERG. No, Mr. President; but if there is \$600,000 worth of national defense involved in this project, how much national defense is involved in the Mississippi River; and who ever heard of a figure being allocated to that factor by way of defending a navigation appropriation? Let me say to the Senator, with great candor, that I think his case for the Tombigbee project rests far more persuasively upon the increased traffic in the area than it does in any remote attempt to justify the original report of the engineers, which I believe the engineers themselves today think was ridiculous.



Mr. HILL. Let me say to the Senator that General Robins and Colonel Feringa, both representing the Corps of Engineers, testified that we could throw out the window the factor of national defense or any consideration of national defense.

Mr. VANDENBERG. That is correct.

Mr. HILL. As the Senator from Michigan has suggested, the traffic alone, without any consideration of national defense, will justify this project.

Mr. VANDENBERG. That is the point. For the sake of the integrity of this argument, I should like to see the case rest upon the latter factor, which I concede can be strongly urged. I agree that General Robins and Colonel Feringa were very glad to throw these other synthetic items out the window, because they did not want remotely to have to defend them. They were too ridiculous.

Mr. HILL. It was not a question of General Robins and Colonel Feringa not wanting to defend them. The case was so strong, based upon traffic and navigation alone, that there was no need of defending or attempting to defend the other items. That was the gist of the testimony of General Robins and Colonel Feringa. The case was so strong that they did not have to consider national defense.

The point I wish to make in reply to the very timely and intelligent question of the Senator from Nebraska [Mr. WHERRY] is that there is no reason why we should not consider national defense. We might have been in far better condition so far as the present war is concerned if we had given greater consideration to the national defense with reference to all great waterway projects, as well as to many other projects and actions of the Congress. The Senator's question is certainly most timely and appropriate.

I was reading to the Senate the statement of General Robins. As I have said, there is no way to laugh off, or blink off, or ridicule a statement coming from a man like Gen. T. M. Robins, Deputy Chief of Engineers, who sat on the Board of Review, heard the evidence, and studied the question. He went into all the many phases of this project before joining in the report. General Robins had spoken of the fact that if the engineers were to come to Congress with a project to spend \$66,000,000 to provide a slack-water highway back up the Mississippi River, in his opinion Members of Congress would take off their hats and cheer such a wonderful project. Then he went on to say:

This alternate route on the Tombigbee we are recommending amounts to the same thing—

Anyone who will look at the map can see the correctness of the statement—

only the locks and dams are to be built on the Tombigbee instead of the Mississippi. There is no greater tangible saving than that which will accrue from use of the Tennessee-Tombigbee route instead of the Mississippi for the upstream traffic. This saving, as estimated in House Document 269, is \$1,000,000. It is very conservative and should be doubled on account of the increase that has taken place in upstream traffic on the Mississippi River.

That shows that this project is part and parcel of the great Mississippi inland waterway.

Taking into account all the changed conditions since the report before the committee was prepared, there is a total tangible saving in sight today of \$4,000,000 for this project and the carrying charges on this project are \$3,500,000. From the information that is officially available to this committee, there is no question in my mind but that the Tennessee-Tombigbee project is economically sound without considering recreation or national defense or enhanced land values or any other intangible benefits.

He further stated that it had been suggested—I believe by the distinguished Senator from Michigan and others—that perhaps the engineers might make another report. General Robins said:

We can go back to the field and make another report and do all the work over again and hold hearings, and when the new report comes up before the committee you will have the same old arguments in opposition to the project that you have today. If the committee, if the Congress wants us to make another report we will be glad to make it. That is the situation as I see it.

Senator OVERTON. You are satisfied that the report that would be submitted would be along the lines you just stated?

General ROBINS. Absolutely, and if this report can be attacked on account of some of the changed conditions since the report was written I do not see why it cannot be defended on account of other changed conditions.

Mr. President, there is the testimony of the Deputy Chief of Engineers. I believe that he is now chairman of the Board of Review of Rivers and Harbors. He has moved up. General Tyler was the chairman. At the present time General Robins is chairman of that Board. At least he was chairman of the Board 12 months ago when I had the honor to appear before the Board. He tells us to eliminate all the other items, and that on the basis of traffic alone, without any additional feature, this project is justified, and that if we were to call for another report, the story would be the same, and we would get the same favorable report.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Alabama yield to the Senator from Michigan?

Mr. HILL. I am glad to yield to my friend.

Mr. VANDENBERG. I should like to hear what the Senator's answer would be to the testimony of Colonel Feringa, who, as the able Senator knows, was appearing with General Robins.

Mr. HILL. That is correct.

Mr. VANDENBERG. In the course of the hearing I pointed out to Colonel Feringa that there had been a substantial change in the method of transporting petroleum products into this area, that two pipe lines had been built since the original report was made, and that pipeline transportation of petroleum was obviously the favored method for the future. Then I asked Colonel Feringa whether the savings which would be allocated by way of benefits to petroleum

transportation ought not to be changed. This was his reply:

Certainly the saving is not as great as we set up in that report—

I interrupt the quotation long enough to say that it could not be, because 52 percent of the traffic which is relied upon for justification is petroleum. Continuing with the quotation:

Certainly the saving is not as great as we set up in that report, but I think there is a saving, Senator; how large, Senator, we would have to make a new report to find it out, sir.

What has the Senator to say about that?

Mr. HILL. Everyone knows that conditions today are not what they were when the facts upon which this report is based were gathered. Those facts were gathered back in 1936 and 1937—perhaps even as far back as 1935. No doubt there has been a change. The change is that much more petroleum, fuel oil, and gasoline are being transported today than were transported at the time those facts were gathered; but the Senator fails, I think, to note what is the real gist of the question in connection with the movement of petroleum. There is no doubt that two pipe lines have been built into that area, but those pipe lines are carrying gasoline, rather than fuel oil. At any rate, however, the petroleum products are being bought. In 1940 there was a reduction in freight rates. This report was made in January or February 1939. But the determining factor in respect to the matter of transportation of petroleum products is that today the movement of such products is still cheaper by water, by barge, or by inland waterway than its transportation by either pipe line, railroad, or any other method, except by deep-water tanker. Of course, the deep-water tankers do not enter the inland waterways because they have only a 9-foot channel, and deep-water tankers cannot navigate in 9 feet of water.

All the testimony—that of General Robins and that of Colonel Feringa—and the figures in the record which the Chief of Engineers, General Reybold, used at Corpus Christi, Tex., I believe, about a year ago, show that water transportation is still the cheapest form of transportation for the movement of petroleum products. Of course, in the present time of war we are using every means of transportation at our command to move petroleum products. As the Senate well knows, we have the whole O. P. A. program, including the rationing of gasoline, by which people are denied the full use of their automobiles; and we have the rationing of fuel oil, by which many persons have been forced to go to the additional trouble and expense of taking oil heaters out of their homes, and substituting for them coal-burning or other types of heaters. The situation has been so acute in connection with the shortage of petroleum products and the relatively small supply of such products as compared with the need for them, that pipe lines have been used for the movement of petroleum products. In fact, today in China petro-

leum products are moved by air. All the gasoline and oil going to China for American and Chinese airplanes goes over the India hump by airplane, because it cannot be moved into China by railroad or waterway or road. Petroleum products can only be moved to China by means of air transportation, so today we are paying the tremendous cost of transportation of those products to China by air.

In the same way, because of the compulsion of the hour, due to the war and the shortage of petroleum products, we are using railroads, pipe lines, and all other means of transportation for the movement of petroleum products. But the determining factor is that petroleum products still can be moved more cheaply by waterway than they can by pipe line or by any other means of transportation which provides any sort of competition with transportation by means of the inland waterways. Of course, when the war is over the economics of the situation will cause us to continue to move just as much petroleum as possible on the waterways, because inland waterway transportation is the cheapest system of transportation for the movement of petroleum products.

If the reduction in the freight rates or the construction of pipe lines had resulted in providing a cheaper means of transportation for petroleum products than transportation by waterway, there might be some validity to the argument made about the pipe lines and the reduced freight rates; but all the evidence shows that the waterways move petroleum products cheaper than they can be moved by any other means of transportation.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. VANDENBERG. The Senator entirely misses the point I have been making. The point is that in the report it is stated that this project will result in a saving in transportation costs of \$2,158,000. That is the figure for the difference between the cost of water transportation and the cost of railroad transportation. I am pointing out to the Senator that since the report was made, first the railroad rates have been reduced, and therefore that differential is lessened, and, second, the pipe lines have been built. Certainly transportation by pipe line is cheaper than transportation by railroad, and therefore that differential has been reduced.

As a result, the figure of \$2,158,000 is obviously out of line with the up-to-date facts. Colonel Feringa frankly admitted that, and said that the only way by which we can ascertain the correct figure as of today is to have a new report. That is the only point I am making.

Mr. HILL. I sharply disagree with my friend, Mr. President. Colonel Feringa did not say we should have a new report. He said that if it is desired to get the picture as of today, we must have a new report.

Mr. VANDENBERG. That is what I said.

Mr. HILL. No, Mr. President; the Senator said Colonel Feringa said we had to have a new report.

Mr. VANDENBERG. Colonel Feringa said it will be necessary to have a new report if we are to obtain the correct figure.

Mr. HILL. Mr. President, let me say to the Senator that last week the Senate passed a great flood-control bill providing for many different projects. There are many different projects in the pending river and harbor bill. If we wish to get the figures on all the different projects entirely down to date, as of today, we must send every one of them back to the committee for further study. In that way we would obtain new figures on the projects. Of course, many of the reports—just like the report on the Tennessee-Tombigbee project—were made a year, 2 years, or 3 years ago. Certainly the figures and the facts were gathered many months ago.

Mr. VANDENBERG. Yes, Mr. President; but the distinguished junior Senator from Alabama well knows that the difference is that on the basis of the report as it stands, and as identified in the pending bill, the project was one to which the Senate disagreed by a large majority.

Mr. HILL. Of course. But when the Senator injects the point that the Senate disagreed by a large majority—

Mr. VANDENBERG. It must have had a reason for doing so.

Mr. HILL. It did, and in a few minutes I will state what I think that reason was. But I do not wish to turn to that point just now.

Mr. VANDENBERG. Very well.

Mr. HILL. Mr. President, I now read what General Robins said about the transportation of petroleum:

The pipe lines have been in existence for years. There have been more of them built in the last 2 or 3 years and the oil is still moving on the waterways. The pipe lines now extend to the Birmingham area and the oil is still moving on the Warrior River.

I was there this summer. I saw the oil barges going up and down the Warrior River, of course because that is the cheapest means of transportation.

The question today is not what is the cheapest means of transportation. The question today is what means can be used, what means are available. If barges are available, we use them. If we are unable to obtain barges, we use pipe lines, and, if need be, we use railroad tank cars, even though their use costs nearly three times as much as does the use of the waterways.

I read further from the testimony of General Robins:

But for the sake of argument let us suppose that oil is off the waterway and I will deduct the saving for that, leaving \$1,065,000.

The tonnage of petroleum carried was the biggest factor in that connection.

I read further from the testimony:

Since the tonnage which produces that saving of \$1,065,000 was estimated, traffic on inland waterways has more than doubled.

In fact, Mr. President, according to figures given in other parts of the report, traffic on the inland waterways has not only doubled but it has increased by three and one-half or four times.

Mr. VANDENBERG. So has traffic by every other form of transportation.

Mr. HILL. But General Robins is the kind of man I have pictured him to be. He is conservative. He did not say, as he might well have said, that the traffic had increased three and one-half or four times, even though the facts would sustain him in making that statement. He was very conservative, cautious, and careful. He said it had more than doubled. It certainly has, because the increase amounts to almost four times as much, rather than two times as much.

Then General Robins said:

So the saving of \$1,065,000 should be doubled to meet the conditions as they are today, so without considering petroleum products—

In other words, let us throw them out the window—

you get back to about the same tangible saving given in the report for shippers over the Tombigbee waterway itself.

In other words, Mr. President, we could disregard all the savings made in the transportation of petroleum products by waterway. Everyone with any common sense knows there is no basis or justification for disregarding those savings, because as long as it costs 8.3 mills a ton-mile to move petroleum products by railroad, between 3 mills and 3.3 mills a ton-mile to move them by pipe line, and from 1.5 to 2.5 mills to move them by means of the waterways, in normal times the waterways, of course, will be used for such traffic. If the pipe lines could move petroleum products cheaper than could the waterways, the Senator might have some basis for his argument. But so long as the evidence shows that the cheapest and most economical method of moving petroleum products is by use of the waterways, there can be no basis for his argument.

Mr. President, this project has been proposed in the form of a committee amendment. It is not offered by the Senator from Mississippi, my colleague the senior Senator from Alabama [Mr. BANKHEAD], or by myself. It was reported by the Senate Committee on Commerce by a vote of 11 to 2. It is now before us with the support of Members of the Senate representing all the different sections and interests of the United States. It is before us not because of any local or any sectional pressure, but because 11 members of the committee, representing all the different sections and areas of the country, have weighed the project in the balance in the terms of its benefits to the entire Nation and to the economy of the entire country. They recommended to the Senate that the amendment be agreed to, and that the project be approved. They have also recommended that the missing link in that great inland waterway system be completed so that shippers will be afforded a means by which they may avoid the heavy upstream movement which results in additional costs of transportation.

Mr. President, the more we study the project the better we realize the specific benefits which will inure to approximately 34 States. The more the project



is considered, the more one becomes fascinated by it. In my opinion there could be but one reason for not approving the project. Some Senators may be thinking of it in terms of the economy and the transportation of our country as they existed in the early 1930's; but if we have any faith in America, and in the maintenance of a stable, sound, and healthy economy, we must conclude that the project is not only justified but that it is necessary for the movement of the commerce, trade, and traffic of the country. It has been approved by the special Board of Engineers, by the Board of Review, by the Deputy Chief of Army Engineers, by the Committee on Rivers and Harbors of the House of Representatives, and has been presented to the Senate with a favorable recommendation of the Senate Committee on Commerce.

Mr. President, I do not desire to delay the Senate longer except to say that the vote on the project was taken nearly 5 years ago. It was taken in March or April of 1940. Conditions then, of course, were entirely different from what they are now. At that time there was no navigation on the Tennessee River because the present great dams had not yet been built on the river, and we did not have the present 9-foot channel. The construction of the proposed waterway at that time would have led into a dead-end street. Not having carefully studied the project, the Tennessee Valley Authority had doubts about the wisdom of constructing it, and opposed it. Today the Tennessee Valley Authority has considered the project, and knowing what its benefits would be not only to the Tennessee River but to the entire inland waterway system, it approves the project, and asks that the Congress approve it.

Back in 1940 a part of the Intracoastal Waterway between New Orleans and Mobile had not been constructed as it exists today. It was an important link in the entire chain of waterways, and greatly affected the feasibility and economy of the Tombigbee-Tennessee project.

Today the Tennessee Valley Authority strongly favors the project and, as I have already said, the Senate Commerce Committee, after a thorough and painstaking consideration of the subject, has reported it to the Senate with a favorable recommendation.

Mr. EASTLAND. Mr. President, it is not my purpose to take the time of the Senate to rehash the arguments which have been made in favor of the amendment. The arguments have been ably presented by other Senators, and there are only a few features of the controversy which I shall discuss very briefly. I know the Senate is about ready to vote on the question.

I desire to add a memorandum to the list of agencies and distinguished Americans who have approved the amendment. The list was ordered to be printed in the RECORD as requested by the distinguished Senator from Alabama. The memorandum is from the White House. It reads as follows:

THE WHITE HOUSE,  
Washington, April 24, 1939.

MEMORANDUM FOR THE SECRETARY OF WAR:

I approve this survey report for a waterway connecting the Tombigbee and Tennessee Rivers,

The report of the Army engineers and the reports of the Tennessee Valley Authority and the National Resources Committee should also be forwarded to the congressional committee.

I take it that no water power is involved. If any is involved, please get also a report from the Federal Power Commission and send it to the Congress.

F. D. R.

Mr. President, what I have just read shows that if the proposed amendment were agreed to by the Senate and accepted by the House of Representatives, the President would not veto the bill because of the incorporation of the amendment therein.

It has been argued that this project would be of special benefit to the States of Mississippi and Alabama. Of course, it would add to the development of those States, but the Ohio Valley, the industrial cities of Cincinnati, Pittsburgh, and the industrial areas in those sections, would benefit far more from the construction of the canal than would the States through which it would flow.

The United States engineers figure that 70 percent of the entire upstream traffic on the Mississippi is destined for ports on the Ohio River, that every single pound of that tonnage could use this canal and be delivered to ports on the Ohio River at a substantial saving, which is estimated, under an old engineering report, at \$2,405 for a tow of eight barges, but which I submit, and shall show in a moment, is based on an upstream charge in the Mississippi River which does not exist in the lower Mississippi today.

In 1938 there were 8,528,000 tons of products which went upstream in the Ohio River. Today there are roughly 15,800,000 tons of upstream products delivered by boat on that river. Most of those products, in fact, practically all, have come up the Mississippi River, and that traffic which would be diverted to the proposed canal, and delivered at a tremendous saving to industries in the Ohio Valley were the canal constructed.

In 1938 the city of Pittsburgh received 3,092,000 tons of upstream traffic on the Ohio River. In 1942 that had increased to 6,500,000 tons. The city of Cincinnati, Ohio, in 1942 received 3,671,000 tons of upriver traffic. The city of Evansville, Ind., received 167,000 tons of upriver traffic on the Ohio River in 1942, practically all of which had come upstream in the Mississippi River, the traffic consisting chiefly of steel products and fuel oil for war industries in that area. The United States engineers state that that traffic would be diverted up the Tombigbee Canal, and would be delivered to those cities at a substantial saving, a part of which would be reflected to the consumers in the area.

Mr. President, I know that one great oil company, the Standard Oil Co. of Ohio, delivered by barge up the Mississippi and up the Ohio Rivers practically all the crude oil for its refineries in the State of Ohio, and that commodity would move up the canal by way of the Tombigbee much cheaper, and at a saving to the people of the State of Ohio.

The argument has been made, based upon a survey by the United States engineers filed in February 1939 that the current in the Mississippi River is  $2\frac{1}{2}$  miles

an hour and the estimates of the cost of upstream traffic are based upon that old engineering survey, with that old current figure of  $2\frac{1}{2}$  miles an hour. Strange things have been happening in the Father of Waters in the past few years. The United States engineers have cut out of the Mississippi River below the mouth of the Arkansas River, roughly, 10 great curves. Above the Arkansas River, and to Memphis, they have cut 3 bends out of the river, reducing the length of the Mississippi River by 170 miles, and at the same time, while reducing its length, the velocity of the current has increased from 10 to 12 feet a second, or, roughly, 5 to 6 miles an hour.

Conditions have become such that at the period of normal high water, which at one time was considered good steamboat water, the powerful towboats could not push the average tow through the cut-offs. Our Government has had to station boats at the cut-offs to assist in pushing the tow through the cut-offs.

Furthermore, Mr. President, it has not been possible to propel through the cut-offs and against the current for several miles below the cut-offs a normal tow of eight barges, but the shippers have been forced to tie up half or one-third of the load, push one-third of it miles up the river through the cut-off, get above it and tie up, go back down the river and get another part of the tow, push it miles up the river, and then go back and get another part of the tow and push it miles up the river, before they could proceed with the full tow, and then push the full tow up to the next cut-off; all of which in the past few years, roughly, since this engineering report was filed, has greatly increased the cost of operation of those barges on the Mississippi River.

What else has been approved? At New Madrid, Mo., opposite the Kentucky-Tennessee State line, there is a great bend over 20 miles in length, and it is the purpose to cut a canal across that bend, as the engineers have done in numerous other instances. United States engineers figure that when that canal is put through, when that cut-off becomes operative, and for miles below it, the current in the river will be increased to 10 or 12 miles an hour. It will be so swift that it will be difficult, at an average time, when the water of the river is up, for boats to navigate through that stretch of water.

So, Mr. President, I say that it is absolutely essential to upstream traffic, in getting products from the lower valley to the upper valley and into the Ohio and into the Missouri River Basins, that this slack-water route be constructed, and I say it as one who lives very close to the Mississippi River south of the city of Memphis.

When this canal is constructed it will result in a tremendous saving. Much has been said to the effect that a sum was allocated by the Corps of Engineers for projects which would aid in the defense of the country. If the Mississippi River were blocked, as the junior Senator from Alabama [Mr. HILL] stated, if an enemy should control it and block it, it would be disastrous to our war industries located in the Ohio River Basin, and it would be just as disastrous if that river

were blocked by high water. One who lives on the river knows that the high water lasts, not for a period of days, but for a period of weeks or a period of months, and it would be disastrous to our war industries if the fuel oils for industrial plants, and if steel products, did not reach the war industries along the great reaches of the Ohio River on time. That is a condition which is absolutely certain to come about, it is occurring today, and it will be much more dangerous as more bends are cut in the river, as the New Madrid bend is constructed, and as the river is shortened according to the present plan.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 17, lines 6 to 9.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	O'Mahoney
Austin	Gerry	Overton
Ball	Green	Radcliffe
Bankhead	Guffey	Revercomb
Bilbo	Gurney	Reynolds
Brooks	Hall	Russell
Buck	Hatch	Shipstead
Burton	Hayden	Stewart
Bushfield	Hill	Taft
Butler	Holman	Thomas, Okla.
Byrd	Jenner	Tunnell
Capper	Johnson, Colo.	Tydings
Caraway	Kilgore	Vandenberg
Chandler	La Follette	Wagner
Clark, Mo.	Langer	Wallgren
Connally	Lucas	Walsh, Mass.
Cordon	McFarland	Weeks
Danaher	McKellar	Wheeler
Davis	Maloney	Wherry
Downey	Maybank	White
Eastland	Mead	Wiley
Ellender	Millikin	Willis
Ferguson	Murray	

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. OVERTON. Mr. President, I believe we are about to approach a vote on this amendment. I desire to make a very few brief comments in respect to it. The correctness of the recommendation of the Tennessee-Tombigbee project by the Committee on Commerce has been challenged in debate, and I wish briefly to give to the Senate the reasons why the Senate Committee on Commerce voted a recommendation. I believe that everything of importance that can be said either for or against the project has already been said in the debate.

The main argument against the favorable report by the Committee on Commerce is the statement made by General Schley in submitting the project to Congress in the report which he made in 1939. It is said that General Schley did not follow the recommendations of the Board of Engineers for Rivers and Harbors in respect to certain benefits which the Board of Engineers had considered and evaluated. That is true in part. However, General Schley did not strike those items from the report. He submitted the report with the items. Had he been unquestionably opposed to the inclusion of the items in the report, he could have in his own report entirely omitted them. He did not do so. He refers to them as being what he de-

scribes as intangible benefits. These criticized items are \$100,000 for recreation; \$275,000 for land value enhancement; and \$600,000 for national defense; aggregating \$975,000.

The debate has assumed that that is all that General Schley referred to; but when General Schley referred to intangible and indirect benefits he had in mind a number, at least, other benefits. I think it would clarify the subject if I were to read just what General Schley did say on that subject. General Schley stated:

I have no doubt that benefits of value to national defense, from enhancement of land values, and from increased use of recreational areas will be produced. Furthermore, provision of a direct water route to the Gulf of Mexico from the Tennessee Valley may hasten the development in that valley resulting from the navigation project and the electric power system now being constructed there by the Federal Government. The large amount of construction involved in this connecting waterway to the Gulf would provide substantial direct employment over a period of 8 years and large orders to cement and steel mills and to the lumber industry.

The statement immediately preceding the intangible item makes no reference to national defense, to enhancement of land value, or to recreation. When he speaks about large orders to cement and steel mills and to the lumber industry, and when he speaks about the large amount of construction involved, and about the general benefits which would flow from the distribution of electric power from the system in the valley, these may be regarded as intangible or indirect benefits.

After making these comments, he says:

All these intangible or indirect benefits must be considered in addition to the direct savings in transportation costs in order that this project will show a substantial excess of benefits over costs.

I take it that he was referring, in all probability, to all of the special benefits to which I have just referred; but I believe that the intangible benefits which he mentioned in the latter part of his comments were uppermost in his mind.

Not only does General Schley not strike these items from the report, but he submits them to the superior judgment of the Congress of the United States.

I am one of those who believe that there should be an approving report from the Chief of Engineers before a committee acts upon a project. I do not consider the recommendations of the Chief of Engineers in this case to be a disapproving report. He mentions the various benefits which may result—navigation, land-value enhancement, recreation, and national defense—and also the distribution of large orders to cement and steel mills, and to the lumber industry; but he winds up by submitting the whole question to the Congress of the United States. That is not, I submit, an unfavorable report.

Mr. President, I do not believe it would be very seriously contended today that we can never consider land-value enhancement as a factor in determining whether or not a project is economically sound. That may have been true back in 1939. There may have been some rea-

son then why the engineers would not consider enhancement of land values; but, as a matter of fact, in quite a number of reports today, enhancement of land values is set down as a factor in determining the economic soundness of a project. I know that that has been done in connection with quite a number of flood-control projects, and also in connection with one navigation project which has been recommended in my own State of Louisiana. I do not know that it is entirely proper to throw out consideration of the value of an inland navigation project or a harbor project as a contribution to our national defense. I believe that national defense ought to be considered in determining whether or not Congress will approve such a project. I believe that the improvement of such great harbors as those at New York, Boston, and other points adds materially to our national defense. I believe that there are instances where such a factor should be considered.

I believe that in many instances the improvement of the Mississippi River can be regarded as a valuable contribution to national defense. What was in the mind of the Chief of Engineers was that it was difficult to appraise with mathematical accuracy what those benefits are. Therefore, he submitted the matter to the judgment of Congress.

Furthermore, I entertain the view that the committee recommended this project because the testimony overwhelmingly showed that it is today economically sound, judged on the sole basis of navigation benefits.

The testimony of Colonel Feringa and the testimony of General Robins, representing the Army Corps of Engineers, as well as the testimony of a number of witnesses familiar with the situation in the valleys, all shows that the potential transportation since this report was submitted in 1939 has materially increased. It was specifically stated by General Robins—and I invite the attention of the Senator from Michigan to his statement—that after taking into consideration all deductions which might possibly be made on account of the construction of pipe lines and on account of the reduced freight rates, nevertheless today the net sum total of benefits is \$4,000,000 a year, as against a carrying charge of \$3,600,000, and that the project is wholly justified. That was the statement of the Deputy Chief of Engineers. It is not contradicted by the Chief of Engineers; it is not contradicted by any engineer. I contend that the sum total of the testimony shows that on the ground of the benefits resulting to navigation alone, this project has been justified as of today. It stands justified on the basis of the testimony before the committee. I think it should stand justified in the appraisal and opinion of the Senate of the United States.

It has been said that General Reybold, the present Chief of Engineers, has not submitted another report which would either explain General Schley's original report or would endorse General Schley's original report or would depart from it. That is quite true. I think the present Chief of Engineers is correct in taking that position. I do not think the Chief



of Engineers should submit a report contradicting what the former Chief of Engineers has done or contradicting what he himself has done, until he is directed by the Congress to make a further review or a further examination and survey and to report to the Congress the facts which are disclosed by his subordinates with respect to the project. It should go through the usual official sources before it reaches the Chief of Engineers and before he makes a report thereon.

But he does not appear in contradiction of the testimony of General Robins and Colonel Feringa and others that the project is economically justified today on account of the benefits which will result from the use of it purely as a navigation project.

As I said awhile ago, we have gone beyond the mere thought of flood control in flood-control projects, and the benefits which will result solely to navigation in navigation projects. We have gone into the matter of power projects, and the benefits which will result from power production are figured and reported on by the engineers in respect to the projects which are capable of generating power. Projects which are capable of being used in part for irrigation are considered from the standpoint of the benefits which will result from irrigation, and a value is placed upon them. Such values are not placed with any mathematical accuracy; just as it is impossible to place with mathematical accuracy a value upon land enhancement. But they are considered today in reports made by the Chief of Engineers, and I see no reason why these other factors cannot within the judgment of the Congress be considered with reference to this particular project.

Mr. President, I think I have said all I wished to say on the subject. The committee was very patient in listening to the testimony of all those who were either for or against the project. I think the committee weighed and appraised that testimony. The committee came to the conclusion, by an overwhelming majority, that the project was economically sound and justified from the standpoint of navigation alone, without taking into consideration the other factors to which I have referred.

Therefore, Mr. President, I hope the vote of the Senate will sustain the action of the committee.

Mr. VANDENBERG. Mr. President, I shall detain the Senate only a moment.

The proponents of this project have spoken for the better part of a day on this subject. I wish only to sum up the presentation of my position, and I think I can do so in 5 minutes.

Mr. President, this project is identified in the bill, on page 17, as resting on the report submitted in House Document 269 of the Seventy-sixth Congress. That is the official project before the Senate.

The report of the engineers, as identified in this document, is one which everyone connected with this project has tried to forget, and which everyone endorsing it would like to subordinate in the consideration of this matter because, as I think I clearly indicated on the pre-

vious day of debate, so far as this document is concerned, this basis upon which the Senate officially acts, there is absolutely no justification whatever for this \$75,000,000 appropriation.

Mr. President, it is a \$75,000,000 appropriation on the basis of 1939 estimates, because the report itself is that ancient. I suppose it represents a project of \$100,000,000 as of today.

Be that as it may, I say, first, that the thing which officially the Senate is asked to approve is the project as outlined in House Document 269, which has once previously been rejected by the Senate by an overwhelming vote, and which even in this debate has been a matter of little more than abject apology.

But, the proponents say, many things have happened since the report was made, and our judgment should be based upon the things which have happened since then. That is the point at which the difference arises. I agree that many things have happened since then. I agree that there is substantially increased war traffic on these waterways, and that on the basis of war traffic unquestionably a report today would show substantially increased economic benefits.

I agree, secondly, although the proponents have forgotten to say very much about it, that they have another credit on their side, namely, that the Tennessee Valley Authority has withdrawn the opposition which it heretofore expressed to the project. Those are the changes in favor of the project.

Against the report as originally presented, however, there are other changes to be urged in the other direction. For instance, railroad freight rates in this area have been cut in two since the original report was made; and Colonel Feringa, speaking for the Board of Engineers for Rivers and Harbors, specifically said, at page 398 of the hearings, that if a new report were made, that factor would be taken into consideration. Furthermore, since the report was made, two pipe lines have been built into the area for the delivery of petroleum products. This project rests 52 percent upon the petroleum traffic. No estimate is available regarding what will be the impact of the pipe line upon that traffic. At the hearing, Colonel Feringa, speaking for the Board of Engineers for Rivers and Harbors, before I asked my question upon that score, said that if a new report were made this factor would be taken into consideration.

Mr. President, the point I submit to the Senate is that, on the basis of the project as officially reported, there can be no possibility of its justification, and I believe very little effort has been made to justify it on the basis of the original report. Everything that has been pleaded in behalf of the project has taken place since the report was made. Conditions have changed pro and con since the report was made.

Under the terms of the bill the project would not be undertaken until 6 months after the termination of the present wars in which the United States is engaged. Senators can estimate for themselves when all the wars in which we are now

engaged will be terminated. They can then add 6 months to their estimate in establishing a time when the authority in the pending proposal would become effective. I submit that well within that period, before the project could ever become effective, it would be entirely possible to order a new report, and obtain one. If the new report justified the project in the name of the Chief of Engineers of the War Department, I would withdraw my opposition. But until that takes place, Mr. President, I shall have to say to the country, and to my colleagues, precisely what the Chief of Engineers said to the chairman of the Senate Commerce Committee, the Senator from North Carolina [Mr. BAILEY], when he asked the Chief of Engineers for a new report upon this matter. The Chief of Engineers replied:

You are informed that, in the absence of a full review and reconsideration of this proposed project, I do not feel justified in making a statement supplementing the report of House Document No. 269.

I paraphrase the language of the Chief of Engineers, Mr. President, and say to my colleagues that they are now informed that in the absence of a full review and reconsideration of the proposed project I do not feel justified in voting an authorization of \$75,000,000 or \$100,000,000 in respect to this undertaking.

I invite the attention of Senators to the statement made by the Senator from North Carolina, chairman of the Committee on Commerce, appearing at page 508 of the hearings. The Senator from North Carolina said:

Suppose we should at this time from the report of the Chief of Engineers and by testimony taken in a hearing, make up our minds independently of that report, or make up our minds that we can pass upon all transactions of this sort. Then we shall be confronted with a precedent because every Member of the Congress on each side of the Chamber will come in here and demand that we conduct a hearing and act as a board of engineers and I doubt that we are capable of doing it.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BANKHEAD. Inasmuch as the Senator from Michigan is quoting the able Senator from North Carolina, I should like to ask the Senator from Michigan if it is not true that the Senator from North Carolina voted for the project, and is in favor of it.

Mr. VANDENBERG. The able Senator from North Carolina voted for the project in the committee. Whether or not he is satisfied with his attitude, I leave to him to testify.

Mr. President, that is all I have to say. I am perfectly willing to submit the matter to the Senate, and I ask for the yeas and nays.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. STEWART. Did I correctly understand the Senator to say that one of the reasons which might be argued against the project now was that someone testified that during the past 5 years there had been a reduction in freight rates in the area affected?

Mr. VANDENBERG. The Senator is correct. That was the testimony of the Board of Engineers.

Mr. STEWART. Is it from the testimony of the Board of Engineers that that information was taken?

Mr. VANDENBERG. I will read the specific quotation to the Senator:

Senator VANDENBERG. And is it not also a fact that at some time in 1940 the Interstate Commerce Commission authorized the reduction of freight rates on petroleum in that area amounting to \$1.06 a ton?

Colonel FERINGA. I think you are absolutely correct, sir.

Mr. STEWART. But the reduction was on petroleum alone?

Mr. VANDENBERG. That is correct.

Mr. STEWART. I misunderstood the Senator.

Mr. VANDENBERG. I had referred to the fact that 52 percent of the traffic depended on the transportation of petroleum products.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, which will be stated.

The CHIEF CLERK. On page 17, after line 5, it is proposed to insert the following:

Waterway connecting the Tombigbee and Tennessee Rivers; in accordance with the recommendation of the Board of Engineers for Rivers and Harbors in the report submitted in House Document No. 269, Seventy-sixth Congress.

Mr. VANDENBERG. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). I have a general pair with the junior Senator from Kansas [Mr. REED], who I understand if present would vote as I am about to vote, so I am at liberty to vote. I vote "nay." I am advised that the Senator from Kansas has a special pair on this vote.

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Arkansas [Mr. McCLELLAN] are absent from the Senate because of illness. I am advised that if present and voting, the Senator from Arkansas would vote "yea."

The Senator from Nevada [Mr. McCARRAN] and the Senator from Utah [Mr. MURDOCK] are detained on official business for the Senate.

The Senator from Florida [Mr. PEPPER] is absent on important public business. I am advised that if present and voting, he would vote "yea."

The Senator from Kentucky [Mr. BARKLEY] and the Senator from New Mexico [Mr. CHAVEZ] are unavoidably detained.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Idaho [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Texas [Mr. O'DANIEL], the Senator from Nevada [Mr. SCRUGHAM], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], and the Senator from New Jersey [Mr. WALSH] are necessarily absent.

The Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

On this question, the Senior Senator from Florida [Mr. ANDREWS] is paired with the Senator from Kansas [Mr. REED]. I am advised that if present and voting, the Senator from Florida would vote "yea," and the Senator from Kansas would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The following Senators are necessarily absent:

The Senator from Maine [Mr. BREWSTER], the Senator from New Jersey [Mr. HAWKES], the Senator from Oklahoma [Mr. MOORE], the Senator from Wyoming [Mr. ROBERTSON], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Iowa [Mr. WILSON].

The Senator from Kansas [Mr. REED] is necessarily absent. If present he would vote "nay."

The result was announced—yeas 31, nays 37, as follows:

#### YEAS—31

Alken	Hall	Overton
Bankhead	Hatch	Radcliffe
Bilbo	Hayden	Reynolds
Caraway	Hill	Russell
Clark, Mo.	Holman	Shipstead
Connally	La Follette	Thomas, Okla.
Cordon	Langer	Tunnell
Downey	McFarland	Wallgren
Eastland	Maybank	Wheeler
Ellender	Murray	
Guffey	O'Mahoney	

#### NAYS—37

Austin	George	Stewart
Ball	Gerry	Taft
Brooks	Green	Tydings
Buck	Gurney	Vandenberg
Burton	Jenner	Wagner
Bushfield	Johnson, Colo.	Walsh, Mass.
Butler	Kilgore	Weeks
Byrd	Lucas	Wherry
Capper	McKellar	White
Chandler	Maloney	Wiley
Danaher	Mead	Willis
Davis	Millikin	
Ferguson	Revercomb	

#### NOT VOTING—27

Andrews	Hawkes	Reed
Bailey	Johnson, Calif.	Robertson
Barkley	McCarran	Scrugham
Brewster	McClellan	Thomas, Idaho
Bridges	Moore	Thomas, Utah
Chavez	Murdock	Tobey
Clark, Idaho	Nye	Truman
Gillette	O'Daniel	Walsh, N. J.
Glass	Pepper	Wilson

So the amendment of the committee was rejected.

#### DISPOSAL OF GOVERNMENT-OWNED FLASHLIGHT BATTERIES

Mr. MEAD. Mr. President, on November 22 the Special Committee to Investigate the National Defense Program held a hearing on the disposal of 23,000,000 new flashlight batteries. These batteries, declared surplus by the Army Signal Corps, were suitable for civilian use. There is a very serious shortage of such batteries for commercial sale.

The Army Signal Corps had sought to keep secret the fact that such a large quantity of batteries was being released because other types of batteries were in serious shortage and they feared publicity concerning the sale of batteries would

lead battery workers to believe that their efforts were no longer needed. The Army Signal Corps, therefore, requested Treasury Procurement to dispose of the batteries at a private sale. Treasury Procurement agreed to this request. On Saturday, November 4, a circular was issued by Treasury Procurement offering these batteries to the trade at 4 cents each. They had cost the Government an average of 7<sup>1</sup>/<sub>10</sub> cents each. The Treasury Procurement's price of 4 cents to the wholesalers contemplated that the retailers would pay 6 cents per battery and resell them to the public at 10 cents.

Within a very few days, Treasury Procurement's offer of sale was oversubscribed. One tabulation showed offers to purchase from 40,000,000 to 60,000,000 batteries.

The Office of Price Administration objected to the sales price of 10 cents on the basis of an order which, as interpreted by the Office of Price Administration, would permit a retail price ceiling of 8 cents per battery. The sale was stopped.

Following the committee's hearing, an agreement between the Office of Price Administration and Treasury Procurement resulted in the establishment of a wholesale price of 5<sup>1</sup>/<sub>2</sub> cents per battery and a more equitable distribution among those needing such batteries.

In addition the War Department and Treasury Procurement ruled that henceforth all disposal sales are to have complete publicity. All agencies agreed to achieve closer cooperation and coordination as to future disposal sales in order to eliminate controversies over price or the groups to whom surplus properties would be offered through circularization or advertisement.

This case was of importance because it resulted in the establishment of certain fundamental policies and the elimination of certain deficiencies in coordination. The dollar savings of such improvements are impossible to assess. However, it is possible to state with certainty that the corrected condition, which in large measure resulted from the committee's investigation on the disposal of these 23,000,000 batteries, alone represents a saving to the taxpayers of \$368,000. In addition, the investigation has demonstrated that the fears on the part of the Signal Corps were unfounded regarding the effect of the sale upon the morale of workers. Full public disclosure of the facts aids morale. Concealment destroys it.

In conclusion, I want to compliment Mr. Ernest L. Olrich, former Director of the Office of Surplus Property of the Treasury Department. Mr. Olrich moved properly and efficiently to correct the conditions I have described. He was completely forthright in his testimony before the committee in freely stating that a mistake had been made by his office in his absence, and that he was most anxious that the mistake be corrected.

#### MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its



reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2004) to amend the act entitled "An act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes," approved June 11, 1942, and it was signed by the Acting President pro tempore.

#### CONDITIONS IN THE NEW YORK CITY POST OFFICE

Mr. MEAD. Mr. President, I am about to ask to have published in the RECORD as part of my remarks a letter I have received from the Postmaster of the city of New York. It brings to the mind of the reader the progress that is being made in the Post Office Service, the refinement and the efficiency of the Service. In the letter the postmaster of New York makes this statement:

The task of handling the Christmas parcels for members of the armed forces overseas addressed "Care of Postmaster, New York, N. Y.," was completed on November 15, and in view of the fact that it was one of the greatest that has confronted the Postal Service, I believe you would want me to bring the particulars to your attention.

During the period September 15 to November 15, 1944, inclusive, this office turned over to the New York Port of Embarkation Army Post Office 2,770,927 sacks containing 44,334,832 ordinary parcels; also 4,262,000 parcels on which first-class postage was paid, and 88,570 registered parcels, a total of 48,685,402 parcels.

The fact that 3,555 carloads of sacks of parcels were unloaded in the Postal Concentration Center Building during the period may also be of interest.

Mr. President, there is also in this communication a memorandum stating the duties and the responsibilities of the postmaster of the city of New York. He, like the postmaster of any other big city in the United States, is a very responsible officer. The memorandum tells of his jurisdiction. He is not only the postmaster of the city but he is the head of the central accounting office for that area. He has jurisdiction over the post office units, and for 655 third and 883 fourth-class offices in New York State.

He is the head of the central repair unit of the motor vehicle service, which serves 129 post offices.

He is the custodian of 24 Government-owned buildings.

He is the disbursing officer for all the employees of the New York post office, Railway Mail Service, and the rural carriers of the State.

He is chairman of the regional deferment committee of Government employees.

He is chairman of the Committee on Suggestions and Experiments for the Postal Service covering the State of New York.

He is a member of the advisory committee, Federal Personnel Council, of the metropolitan area.

Mr. President, I should like to have the letter and memorandum made a part of my remarks and printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER,  
New York, N. Y., November 28, 1944.  
Hon. JAMES M. MEAD,  
United States Senator,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR MEAD: The task of handling the Christmas parcels for members of the armed forces overseas addressed "Care of Postmaster, New York, N. Y.," was completed on November 15, and in view of the fact that it was one of the greatest that has confronted the Postal Service, I believe you would want me to bring the particulars to your attention.

During the period September 15 to November 15, 1944, inclusive, this office turned over to the New York Port of Embarkation Army Post Office 2,770,927 sacks containing 44,334,832 ordinary parcels; also 4,262,000 parcels on which first-class postage was paid, and 88,570 registered articles, a total of 48,685,402 parcels.

The fact that 3,555 carloads of sacks of parcels were unloaded in the Postal Concentration Center Building during the period may also be of interest.

During the corresponding period in 1943, the number of parcels dispatched was 11,553,420, so it will be noted that this year the volume was more than 4 times as great.

The successful completion of this stupendous mail-handling job was due in great measure to fine cooperation and assistance received from the Army, Fleet Post Office, department officials, post-office inspectors, Railway Mail Service, the railroad, postmasters, and postal employees.

In addition to the Christmas parcels, this office received and distributed a daily average, based on statistics covering the month of October 1944, of 941,000 ordinary letters; 1,784,000 air-mail letters; 341,000 V-mail letters. Ordinarily, 1,000,000 newspapers and other prints for the members of the armed forces are also distributed daily.

A memorandum describing the scope of duties of the postmaster at New York, N. Y., as well as a memorandum of business transacted at the New York post office, are also enclosed.

With kindest regards and best wishes, I am,  
Sincerely yours,

ALBERT GOLDMAN,  
Postmaster.

#### MEMORANDUM

1. Postmaster, New York, N. Y.: Jurisdiction over all postal activities in New York and Bronx Counties. This includes the main post office, four large annexes, viz: Morgan Annex, through which is cleared the bulk of foreign mails originating in the United States; Grand Central Annex, Church Street Annex, and Bronx Central Annex; 43 other classified stations; 25 finance stations; and 90 contract stations; also the Pelham, N. Y., branch in Westchester County, and the postal concentration center in Queens County where parcels and prints for members of the armed forces overseas are distributed.

The motor-vehicle service, operating two large garages, with overhauling and repair units, required to house and maintain a local fleet with more than 500 motor trucks, plus the periodical overhauling of 500 trucks assigned to 129 other post offices in the States of New York and Connecticut.

2. Jurisdiction over 573 Army post offices (A. P. O.'s) outside the United States and 817 money-order units connected with these Army post offices. Also, 3,914 naval post offices on United States naval vessels at points all over the world.

3. Postmaster of central accounting for a total of 1,818 second-, third-, and fourth-class

post offices in New York State. Depository for certain first-class offices and all second-, third-, and fourth-class offices in New York State, a total of 1,946 post offices.

4. Postmaster: Jurisdiction over postal supplies for all New York, N. Y., post-office units, and for 655 third- and 883 fourth-class offices in New York State.

5. Postmaster: For the district central supply unit filling requisitions from the Fourth Assistant Postmaster General, Division of Federal Building Operations, for post offices located in Federal buildings in the following States: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia.

6. Postmaster of central repair unit of the Motor Vehicle Service which serves 129 post offices—30 of which are in the State of Connecticut and 99 in the State of New York.

7. Custodian of 24 Government-owned Post Office Department buildings, the grounds and their appurtenances, including the direction and supervision of the custodial force assigned for operation and maintenance. The Church Street annex building is a 15-story office building containing 1,005,355 square feet of space; the Morgan Annex contains 1,164,000 square feet; the Main Office Building 1,561,000 square feet. This data provides a graphic picture of the large buildings operated and maintained.

8. Disbursing officer for all employees of the New York post office; the post office inspectors and headquarters force of the New York division; the railway mail service, second division, and rural carriers throughout New York State.

9. Chairman: Regional Deferment Committee, Government employees, region No. 2, which comprises New York, New Jersey, Delaware, the eastern shore of Maryland, Accomac and Northampton Counties, Va.

10. Chairman (for 6 months' period) Committee on Suggestions and Experiments for the Postal Service covering the State of New York. Member of this committee.

11. Member of Advisory Committee: Federal Personnel Council of Metropolitan New York, Committee on Training, 299 Broadway, New York 7, New York.

#### FISCAL YEAR 1944

Business concerns should deposit mail early and frequently during the day to avoid the night rush.

The New York Post Office—

Has 73 classified stations and 90 contract stations.

Employs 28,618 people.

Receives, delivers, and dispatches 18,500,000 pieces of ordinary mail daily.

Receives, delivers, and dispatches 120,000 pieces of registered mail daily.

Receives and dispatches 100,000 insured and C. O. D. parcel-post packages daily.

Weights and dispatches 295,000 pounds of newspapers and periodicals daily at pound rates.

Finds \$71.79 in money daily enclosed in dead letters.

Receives \$31,503.44 annually from sale by auction of undeliverable parcels.

Receives 4,000 removal notices daily.

Handles 100,000 pieces of misdirected mail daily.

Finds owners of 220 unaddressed parcels daily.

Receives 82,000 pieces of mail daily without street address.

Supplies 32,000 pieces of mail daily with correct address from city directory.

Collects \$337,367.36 in postage daily.

Issues money orders for \$351,935,895.90 annually.

Pays money orders for \$300,978,440.39 annually.

Has on deposit in postal savings \$92,450.-167.

Has 230,929 postal-saving depositors.  
Sold United States War Savings bonds,  
maturity value \$66,876,100.00.  
Number of purchasers, 928,607.  
Postal receipts for year  
ended June 30, 1944..... \$103,571,779.99  
Postal receipts for year  
ended June 30, 1943..... 83,896,230.12

Increase (23.4 percent)..... 19,675,549.87

#### Mail deliveries

Manhattan Borough..... 2 to 3  
Bronx Borough..... 2  
Suburban..... 2

#### Mail collections

Manhattan Borough..... 10 to 26  
Bronx Borough..... 6 to 11  
Suburban..... 4

Patrons will ensure prompt handling and delivery of their mail if they include the street and number, as well as the postal-unit number, in the address and their return card.

ALBERT GOLDMAN,  
Postmaster. \*

#### ST. LAWRENCE RIVER DEVELOPMENT— MEMORANDUM RESPECTING AGREEMENT OF 1941 BETWEEN UNITED STATES AND THE DOMINION OF CANADA

Mr. WAGNER. Mr. President, I ask leave to insert in the RECORD a memorandum brief respecting the approval, by concurrent legislation of the Senate and House of Representatives, of an agreement between the United States and the Dominion of Canada, dated March 19, 1941, with particular reference to the St. Lawrence project bill, S. 1385.

This brief, dated November 11, 1944, was prepared by the Honorable George S. Reed, a leading member of the New York State bar, who has served for 10 years as a trustee and counsel for the Power Authority of the State of New York, a public agency of the State. Over a period of many years, Mr. Reed has been officially concerned with the legal questions involved in the improvement of the Great Lakes-St. Lawrence system. He has studied every phase of the question of procedure by concurrent legislation from the standpoint of a trustee acting on behalf of the State in the conservation and use of power resources of great magnitude in the public interest. I ask that the main discussion of the brief, together with Mr. Reed's conclusions, about 20 typewritten pages in all, and appendices II and III be inserted in the body of the RECORD.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

MEMORANDUM RESPECTING THE APPROVAL, BY CONCURRENT LEGISLATION OF THE SENATE AND HOUSE OF REPRESENTATIVES, OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE DOMINION OF CANADA, DATED MARCH 19, 1941, WITH PARTICULAR REFERENCE TO THE AIKEN BILL (S. 1385)

#### THE BILL S. 1385

The bill now under consideration provides for the improvement of the Great Lakes-St. Lawrence Basin, and for generating electric energy in the International Rapids section of the St. Lawrence River in accordance with an agreement between the United States and the Dominion of Canada, dated March 19, 1941.

The first paragraph of such bill reads as follows:

"Be it enacted, etc., That for the purpose of promoting interstate and foreign commerce and the national defense, and providing an improved waterway through the Great Lakes, the St. Lawrence River, and connecting waters reaching to the Atlantic Ocean, and for the generating of electric energy as a means of financing, aiding, and assisting such undertaking, the agreement made by and between the Governments of the United States and Canada, published in House Document No. 153, Seventy-seventh Congress, first session, providing for the construction of dams and power works in the International Rapids section of the St. Lawrence River, and the completion of the St. Lawrence deep waterway, is hereby approved; and the President is authorized and empowered to fulfill the undertakings made in said agreement on behalf of the United States, and to delegate any of the powers and duties vested in him by this act to such officers, departments, agents, or agencies of the United States as he may designate or appoint."

#### THE PROCEDURE

A similar bill was introduced in the House of Representatives in 1941, and hearings were had before the Committee on Rivers and Harbors, during the Seventy-seventh Congress, first session.

A large amount of testimony was offered, and a favorable report made.

During such hearings, the question was raised as to the regularity of the agreement of 1941 and its approval by the Senate and House of Representatives, instead of by a formal treaty between the two Governments.

At the hearing before the Committee on Rivers and Harbors, such objection was overruled. Testimony was given by many witnesses in respect to the regularity of the procedure, and the Department of State, represented by Hon. Adolf A. Berle, Jr., Assistant Secretary of State, attested to the regularity of proceeding by congressional action in the manner proposed. Later, in this memorandum, the testimony of Mr. Berle will be referred to.

Ever since the adoption of the Constitution, executive agreements similar to the agreement of 1941 have been made for the purpose of effectuating understandings between the United States and other nations. It is well understood that in all matters of international concern, the President has undoubted authority under the Constitution to negotiate and that it is not always necessary for the President to enter into a treaty upon "the advice and consent of the Senate," as provided in article II, section 2 of the Federal Constitution, which provides, in part, that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The purpose of the agreement of 1941 is to provide for the construction of further and additional works in the Great Lakes and St. Lawrence River in order to improve navigation and commerce, each government to provide for the installation of generators for hydroelectric power on its side of the boundary line.

The United States and Canada have already expended more than \$140,000,000 to improve navigation and commerce on this great waterway. The agreement sought to be ratified is a construction undertaking allocating costs and giving credit to each government for the amounts already expended.

It is necessary to provide means through appropriation on both sides of the border to carry into effect improvements and betterments necessary for the full use and enjoyment of this, the greatest fresh-water system

in the world. This appropriation on the United States side must be made by Congress.

Already navigation is possible from the Atlantic through the St. Lawrence and the Great Lakes to the head of Lake Superior. The works have been built and maintained by money appropriated by both governments, and, for the most part, without any direct treaty or agreement. The Welland Canal, between Lake Erie and Lake Ontario, and canals admitting ships having a draft of not over 14 feet in the International Rapids section of the St. Lawrence, have been built by Canada. Great and important works permit navigation through the Detroit River and at Sault Ste. Marie, and the waterway is usable all the way to the Atlantic. But bottlenecks exist which require additional works and deeper canals.

By formal treaty between the two governments, both countries have the full right to navigate all of the Great Lakes, including Lake Michigan and the St. Lawrence River to the Atlantic Ocean. The Treaty of Washington, 1871, declared the St. Lawrence River to the Gulf to be free and open to the commerce of both countries. Both countries also have the right to navigate the Welland and other canals.

On January 11, 1909, there was signed at Washington, what is known as the Boundary Waters Treaty, which treaty was ratified by the advice and consent of the Senate on March 3, 1909. Great Britain ratified this treaty on March 31, 1910, and the ratifications were exchanged in Washington on May 5, the same year. The treaty was proclaimed May 13, 1910.

I am of the opinion that the executive agreement of 1941 has the unquestioned sanction of the Boundary Waters Treaty of 1909, which, so long as such treaty is in existence, provides a well-recognized working plan for the settlement of all controversies between the two governments respecting boundary waters, and clearly recognizes the principle of special arrangements and agreements between the two governments relating to the use of such waters, and the ratification thereof by the Congress of the United States and by Parliament.

#### TREATY OF 1909

Before considering cases in which executive agreements have been effectuated by concurrent congressional legislation, let us consider the treaty of 1909 which so clearly indicates that the high contracting parties intended that, so long as such treaty should remain in effect, the two countries might, by mutual understandings, arrange for the further use and improvement of boundary waters by special agreements.

The fact that this treaty was signed by Elihu Root, Secretary of State, in behalf of the President, gives great weight to the conclusion that the provisions of the treaty were sufficiently definite and broad to achieve its purpose. Secretary of State Root undoubtedly prepared a large portion of the treaty as well as the proclamation.

The whole treaty appears as appendix I, but I wish to call particular attention to certain portions thereof:

"Whereas a treaty between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, was concluded and signed by their respective



plenipotentiaries at Washington on the 11th day of January 1909, the original of which treaty is word for word as follows:

"The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries:

"The President of the United States of America, Elihu Root, Secretary of State of the United States; and

"His Britannic Majesty, the Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

"Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

#### "ARTICLE I

"The high contracting parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

"It is further agreed that so long as this treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations, and all tolls charged shall apply alike to the subjects or citizens of the high contracting parties and the ships, vessels, and boats of both of the high contracting parties, and they shall be placed on terms of equality in the use thereof.

#### "ARTICLE III

"It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

"The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbors, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the

boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

#### "ARTICLE XIII

"In all cases where special agreements between the high contracting parties hereto are referred to in the foregoing articles such agreements are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by the concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion."

One cannot read this treaty as an entirety, or the articles above quoted, alone, without reaching the conclusion that it was the intention of the two countries to arrive at a permanent and complete understanding in respect to the adjustment of all problems, present or future, growing out of the use, diversion, development, and navigation of boundary waters without the enactment of any further or other formal treaty.

In order to carry into effect the main purpose of the treaty and guard against any dispute in that regard, the treaty refers to "special agreements between the high contracting parties" and states that "such agreements are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion."

The agreement of March 19, 1941, between Canada and the United States, which is now proposed to be approved by reciprocal legislation of Congress and Parliament, is a simple understanding respecting the construction of works to improve navigation and commerce, and permitting each country, on its side of the boundary, to use the flow of the St. Lawrence at the navigation dam to develop hydroelectric power.

To hold that it is now necessary to enter into a new formal treaty with Canada to provide for the contemplated works is tantamount to weakening present treaty ties with Canada and delaying the consummation of the acts now mutually and in good faith agreed upon.

The instrument of 1941 was negotiated by the United States and Canada as an agreement, pursuant to the treaty of 1909, and is presented for approval as such.

The treaty of 1909 clearly set at rest all questions at issue between the two countries in relation to the use of boundary waters. It prescribes the procedure whereby the United States and Canada, or any Province or State, may make use of boundary waters. If, however, such improvements, uses, or diversions of boundary waters affect the water level or otherwise infringe upon vested rights, an application must be made to the International Joint Commission created under the treaty of 1909, for permission to use water and construct works. The two governments may, however, agree. If the governments cannot agree then any and all controversies are to be submitted to and settled and adjusted by the International Joint Commission as provided in the treaty, and their decision is binding upon both governments.

The agreement of 1941 provides for the improvement of navigation and commerce and for the construction of facilities in these boundary waters, each country to build its own works as stipulated in the agreement. No new policy or principle is involved, which would in any event require a formal treaty, for Congress clearly has the power to regulate commerce and navigation and to appropriate funds for improvements and works on navigable streams.

RATIFICATION BY CONGRESS OF THE AGREEMENT OF MARCH 19, 1941, BY CONCURRENT LEGISLATION IS THE SIMPLEST AND BEST PROCEDURE AND CONSTITUTIONALLY LEGAL

As has already been noted, the greater part of the agreement is devoted to the construction of works for the use and benefit of each nation. It has to do mainly with the internal affairs of each nation. When ratified by Congress, the agreement will become law. Congress for the United States and Parliament for Canada might, quite properly, provide by legislative enactment for the construction of the same works specified in the agreement and each build the works on its side of the boundary line. But a mutual understanding is necessary in respect to the location of the works, their common design, the height of the navigation dam, and other common matters, including the equitable allocation of costs, having in mind the sums already spent by the two countries in the process of developing the waterway from the Atlantic to Lake Superior.

Chairman MANSFIELD, of the Rivers and Harbors Committee of the House, in commenting upon the agreement, quite properly said:

"Congress has power with or without an advance agreement. We frequently cross the boundary. Why not with the St. Lawrence?" In his statement he mentioned the Livingston Channel around Bals Blanc Island in Canadian waters, which was improved by an act of Congress. The bill then being considered by the Rivers and Harbors Committee of the House, identical in terms with the Aiken bill, was favorably reported by the committee.

At these hearings every phase of the question was examined. Assistant Secretary of State Adolf A. Berle, Jr., appeared for the State Department and testified at length upholding the procedure. He presented a letter from Secretary of State Cordell Hull and a brief prepared by Mr. Green H. Hackworth, the legal adviser of the State Department, both declaring that the agreement is in due form and legally negotiated and recommending that it be approved by both Houses of Congress.

We thus have under consideration an executive agreement negotiated by the Executive of the United States, with another sovereign government in the form and substance deemed most fitting and appropriate to effectuate the understandings reached after solemn consideration. The compact is designated on its face as an agreement and is submitted as hundreds of executive agreements have, in past years, been submitted for consideration of both Houses of Congress. There is nothing strange or novel in this procedure, derived from precedents established as far back as the administration of George Washington.

Returning again to the hearings before the Rivers and Harbors Committee, we find that Mr. Berle also submitted a letter from Hon. Robert H. Jackson, Attorney General of the United States. These communications all agree that "the arrangement may be effectuated by an agreement signed under the authority of the executives of the two countries, and approved by legislative enactments by the Congress and the Canadian Parliament."

Mr. Berle in his testimony stated that in his opinion the agreement "differs from many treaties in that the effect of it is quite as great in terms of domestic matters as in terms of foreign affairs. It differs, for instance, from the kind of treaty one might make, as for instance, a treaty of alliance or a treaty regarding arms limitations, or things of that kind. . . . I should like to add that that form of submission of agreement is in no way unusual in our history." Mr. Berle stated that, in his opinion, even in the absence of the treaty of 1909, it has become the policy between the United States and

Canada to negotiate for mutual domestic benefits without resorting to formal treaties. Mr. Berle's reasoning was stated in part as follows:

"The reasoning was that the additional works, improvements, or structural changes, which might be needed along that waterway, really came under the head of ordinary river, harbor, and similar improvements and that, therefore, they might be dealt with in the ordinary course of legislation rather than as a matter of international treaty, since the policy has been established."

Representative Culin interrogated Mr. Berle, as follows:

"Mr. CULIN (referring to sec. 13 of the treaty of 1909 and the policy of Canada and the United States). And that was the reason that section 13 was written into the treaty, I assume."

"Mr. BERLE. I believe so."

"Mr. CULIN. And there was not anything sinister about it?"

"Mr. BERLE. I cannot see what it would be."

"Mr. CULIN. The treaty was adopted in the Senate and now confers jurisdiction on this whole question by joint resolution; is that true?"

"Mr. BERLE. By a majority action of the two legislatures."

"Mr. CULIN. Of both Houses?"

"Mr. BERLE. Yes."

"Mr. CULIN. That was the action of the Congress of the United States?"

"Mr. BERLE. That was the action of the Congress of the United States."

"Mr. CULIN. So if there is anything impure or sinister about it, it comes within the category of congressional action?"

"Mr. BERLE. Yes. Well, this is one of the historical ways by which we have traditionally arranged matters with Canada. Even President Taft, when he proposed his reciprocity agreement, which failed of passage, proposed it in the form of an agreement."

"We did not relate this agreement directly to article XIII, but we considered that this was an expression of policy employed in a formal treaty between the two countries on which we could appropriately rely in suggesting or choosing this method as against the treaty method."

"Mr. CULIN. And that treaty was solemnly ratified by the United States Senate?"

"Mr. BERLE. It was signed by Elihu Root."

"Mr. CULIN. And that would, of course, remove any sinister influence or sinister suggestion in connection with the propriety of the present procedure; would it not?"

"Mr. BERLE. I think it is generally recognized that Elihu Root, who was then Secretary of State, was one of the great constitutional lawyers of his time, \* \* \* and I cannot imagine that he would have laid down a policy like that in article XIII if he had thought there was anything sinister in it."

"Mr. CULIN. I wanted to calm the fears of my distinguished friend from California [Mr. CARTER, ranking minority member of the committee]."

"Mr. CARTER. I have not had any fears, and so expressed myself to Mr. Berle."

It is clear that our President, our State Department, and the Department of Justice all agree with Mr. Root that valid compacts can be made by the United States and Canada relating to their boundary waters, through the medium of executive agreements ratified by the majority in both Houses of Congress and by Parliament.

Various reasons have been advanced why the framers of the Constitution placed therein the proviso that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." It is probable that this provision was not originally intended to hamper the Chief Executive in making treaties, but rather to guide and restrain him whenever important and binding international compacts were made which

might affect the life, liberty, and property of citizens, or deprive the Union of territory or seek to bind the United States and its people by some permanent change of policy. Moreover, it was thought that when the President needed advice respecting foreign relations more secrecy would attend a conference with a few Senators than with the larger membership of both Houses. This was before the creation of a foreign relations committee and the present custom of unlimited debate in the Senate upon foreign compacts submitted to it. The plan adopted thus envisaged a few Senators and the President sitting about a council table and without public clamor or debate, discussing the form of proposed international compacts. Washington, in 1789, found the theory unworkable, when he for the first time went in person to the Senate and instead of getting advice, had his questions referred to a committee, and left in a rage. (See Corwin, *The Constitution and World Organizations*, p. 33.)

Hundreds of executive agreements have been expressed by acts of Congress and thus enacted into the law of the land. When the United States rejected the Covenant of the League of Nations in 1919 and 1920, peace was declared with enemy nations, by an act of Congress. Texas was annexed by an act of Congress after the Senate had failed to ratify a treaty to accomplish the same purpose. Without the consent of either Congress or of the Senate, an exchange of notes in 1817, between the British Minister Bagot and Acting Secretary of State Rush, resulted in a limitation of naval forces on the Great Lakes before the arrangement was submitted to the Senate. Afterward the Senate approved the provisions of such agreement. Theodore Roosevelt concluded a treaty with Santo Domingo, which was then bankrupt, which resulted in placing customhouses of that nation under American control, and prevented their seizure by European creditors. The Senate failed to ratify such arrangement, but, nevertheless, the President put it into effect by an Executive order. Afterward under apparent compulsion, the Senate ratified the agreement, but after it had become effective.

President McKinley arranged to furnish 5,000 men and a large naval force to undertake the rescue, release, and protection of legations in China, at the time of the Boxer Rebellion. Congress was not consulted. Later, President McKinley negotiated in behalf of the United States and accepted the Boxer Indemnity Protocol. This protocol also contained provisions respecting other intervening powers.

The construction of the Alaskan Highway, the acquisition of naval bases and the delivery of destroyers to Great Britain through the Hull-Lothian agreement, and the well-known trade agreements with many nations are other instances of executive agreements made without ratification by two-thirds vote in the Senate. One might also mention the Lend-Lease Act of March 11, 1941, which is the basis of the mutual aid agreements undertaken by our Government, and which has resulted in most extensive and necessary relief and aid to our allies.

Certainly when such special agreements are ratified by both Houses of Congress they become the law of the land. The agreement of March 19, 1941, clearly falls within the well-recognized class of compacts which can be constitutionally effectuated by concurrent legislation adopted by both Houses of Congress.

In *B. Altman & Co. v. U. S.* (224 U. S. 583), Mr. Justice Day, referring to the Commercial Reciprocal Agreement with France, which was negotiated under the authority of the Tariff Act of 1897, said in relation thereto:

"Generally, a treaty is defined as a compact made between two or more independent nations, with the view to the public welfare \* \* \* while it may be true that this com-

mercial agreement, made under the authority of the Tariff Act of 1897 (par. 3), was not a treaty possessing the dignity of one requiring ratification by the Senate of the United States, it was an international compact negotiated between the representatives of two sovereign nations, and made in the name and on behalf of the contracting countries, and dealing with important commercial relations between the two countries, and was proclaimed by the President. If not technically a treaty, requiring ratification, nevertheless, it was a compact authorized by the Congress of the United States, negotiated and proclaimed under the authority of its President."

The language of Judge Day clearly recognizes that agreements such as the 1941 agreement between the United States and Canada, having to do almost purely with domestic matters, and the construction of works necessary for navigation and commerce, can be effectuated in the manner proposed.

Again, in the case of the *United States v. Curtis-Wright Export Co.* (299 U. S. 304), Mr. Justice Sutherland, in his opinion, comments upon the fact that "the investment of the Federal Government with the power of external sovereignty, did not depend upon the affirmative grants of the Constitution." He said:

"The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal Government as necessary concomitants of nationality. Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in respect of our own citizens and operations of the Nation in such territory must be governed by treaties, international understandings and compacts, and the principles of international law. As a member of the family of nations, the right and power of the United States in that field are equal to the right and power of the other members of the international family. Otherwise, the United States is not completely sovereign. (Citing cases.) \* \* \*

The power to make such international agreements as do not constitute treaties in the constitutional sense, none of which is expressly affirmed by the Constitution, nevertheless exists as inherently inseparable from the conception of nationality. This the court recognized, and in each of the cases cited found the warrant for its conclusions not in the provisions of the Constitution, but in the law of nations. Citing *B. Altman & Co. v. United States* (224 U. S. 583); *Crandall, Treaties, Their Making and Enforcement* (2d ed., p. 102); *Burnett v. Brooks* (288 U. S. 378); *Carter v. Carter Coal Co.* (298 U. S. 295).

Beyond question the President has full and complete power under the Constitution to negotiate treaties, compacts and agreements with foreign powers and sovereignties. This power is derived not only under article II, section 1 of the Constitution, but also by reason of the fact that he is the Chief Executive of this sovereign Nation. Such power is not limited by any provision of the Constitution. Having been negotiated, such international compacts become the law of the land after ratification in whatever manner the Constitution, the law of nations, or established custom recognizes as legal.

Since the President has such powers it has been usual for the President and the State Department to determine in what manner ratification shall be sought and whether or not such compacts have the dignity of treaties and should on that account be submitted to the Senate for its advice and consent pursuant to article II, section 2 of the Constitution. This has been the practice since George Washington was President and has been followed in almost countless cases.



While there are no exact and complete lists showing all treaties, compacts, and executive agreements which have been negotiated and authorized, careful study indicates that during the first 50 years of Government under the Constitution the President entered into some 27 international compacts which were not submitted to the Senate for its consent and that more than 50 became laws as treaties with the consent and approval of the Senate. During the second half century more than 225 executive agreements and some 200 treaties were entered into with foreign nations and during the last 50 years at least 900 executive agreements and 500 treaties were enacted.

It must be admitted that it is difficult in many cases to determine from the context of the instruments themselves whether it would be more appropriate to submit them for ratification of the Senate or to proceed along the line of joint legislation of Congress or to put them into effect by the order of the Chief Executive. It is plain that in such outstanding cases as the annexation of Texas the President and the State Department, without being in any wise embarrassed, frankly stated that the exigency demanded that the ratification of the annexation agreement made by the President should be by joint resolution of Congress.

This has been true also of most of the postal agreements and compacts in respect to reciprocal trade relations. Executive agreements have also played a leading part in effectuating essential economic policies evidenced by understandings between the United States and the governments of many foreign powers.

Never, so far as I have been able to discover, has a contest arisen on so narrow an interpretation of the Constitution as is now indicated by those who oppose the legislation now before Congress which seeks to ratify and effectuate the agreement of 1941 between the United States and Canada.

As we have shown, there is nothing in the agreement which is not contemplated by the Boundary Waters Treaty of 1909. Those representing the two countries reached the conclusion that an agreement, and not a formal treaty, is all that is necessary to carry into effect their common purpose.

The agreement is not labeled a treaty, and it would be highly inconsistent and contrary to established precedent to rename the compact after it has been negotiated. This would only serve to prevent the House of Representatives from passing upon the terms of the agreement which has already been presented to it by a pending bill.

Not infrequently Congress has authorized the President to make international agreements and compacts on specific subjects. By so doing, Congress itself has recognized the unquestioned right of this sovereign Nation to negotiate with other nations and make compacts without the advice and consent of two-thirds of the Senate. As a matter of fact, Congress has no constitutional power to negotiate treaties. Nevertheless, such legislation is exceedingly useful, because it advises the President in advance in respect to the matter in hand. But in reality such legislation simply prejudices a proposed compact as to its necessity and propriety and legislates in respect thereto in advance.

The procedure, however, is in reverse of that indicated in respect to the Alken bill. Commenting on the prize essay of Quincy Wright on the subject, *The Control of the Foreign Relations of the United States* (April 1921), John Bassett Moore said:

"In regard to what the author of the essay, following the phraseology so often employed, discusses under the head of congressional delegation of power to make international agreements I have long, indeed I may say always, been inclined to think that no delegation of power whatever is involved in the

matter. As Congress possesses no power whatever to make international agreements, it has no such power to delegate. All that Congress has done in the cases referred to is to exercise beforehand that part of the function belonging to it in the carrying out of a particular class of international agreements. Instead of waiting to legislate until an agreement has been concluded and then acting on the agreement specifically, Congress has merely adopted in advance general legislation under which agreements, falling within its terms, become effective immediately on their conclusion or their proclamation." (See Wallace McClure, *International Executive Agreements*, p. 331.)

It, therefore, follows that Congress itself has frequently set in motion the machinery which has ground the grist of many Executive agreements with other nations.

Respectfully submitted.

GEORGE STEPHENS REED,  
New York State Bar; Trustee of the  
Power Authority of the State of  
New York.

DATED NOVEMBER 11, 1944.

#### APPENDIX II

##### DIVERSIONS AT NIAGARA

Article IX of the agreement of 1941 contains certain provisions in respect to the diversion of water above the Falls from the Niagara River, which have been questioned as being in conflict with the treaty of 1909, which would seem to limit all diversions of water from the Niagara River above the Falls, except as permitted in such treaty.

Article V of the treaty of 1909 provides that the United States "may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second."

The United Kingdom by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate, a daily diversion at the rate of 36,000 cubic feet of water per second."

Article IX of the agreement of 1941 recognizes the obligation to preserve and enhance the scenic beauty of Niagara Falls and River "as envisaged in the final report of the Special International Niagara Board," which well-known report contains a study and recommendations as to the use and diversions of Niagara waters.

Subdivision (a), (b), and (c) of article IX of the agreement provides that the two governments: "May make arrangements by exchange of notes for the construction of such works in the Niagara River as they may agree upon, including provision for temporary diversions of the waters of the Niagara River for the purpose of facilitating construction of the works."

Subsection (c) provides that "upon completion of the works authorized in this article, the Commission shall proceed immediately to test such works under a wide range of conditions and to report and certify to the governments, the effect of such works, and to make recommendations respecting the diversions of water from Lake Erie and the Niagara River," including a report as to the efficient utilization and equitable apportionment of such waters as may be available for power purposes. "On the basis of the Commission's reports and recommendations," the governments thereafter may "by exchange of notes and concurrent resolution, determine the methods by which the purposes may be attained."

The provisions of subsection (a) and (c) of article IX above referred to are clearly unobjectionable and cannot be attacked on

any valid ground, and do not, in any way, conflict with the treaty of 1909, for the diversions are of a temporary nature and for the purpose of testing the works. However, subsection (b) of article IX, if read separately might seem to authorize the diversion of 5,000 cubic-foot seconds on each side of the border in excess of the amount specified in Article V of the Boundary Waters Treaty of 1909.

Subsection (b) does not specifically state that such diversions are of a temporary nature as contemplated in subsections (a) and (c). As, however, the words "temporary diversions" are used in subsection (a), it is fair to assume that it was the intention of the two governments that the diversions mentioned and permitted in subparagraph (b) are the temporary diversions indicated in section (a) and are for the purposes stated therein. Subsection (b) must be read with and as a part of subsection (a) and it would have been better to combine (a) and (b) in a single subsection. However, the meaning and intention seem clear.

On the other hand, we have seen that the treaty of 1909 recognizes and provides for the further development, use, and diversion of boundary waters by special agreements between the two nations and that the agreement relates to improvement of navigation and commerce. It seems clear, therefore, that the two nations can, by special agreement, ratified by Congress as to the United States and by Parliament in behalf of Canada, provide for such additional and necessary uses and works as may be deemed advisable in order to improve navigation and for the benefit of commerce, and to include therein the production of power. I, therefore, conclude that the plan and proposals contained in article IX of the agreement can be constitutionally carried into effect by and through the agreement of 1941, when ratified by concurrent resolutions of Congress and by Parliament. As expressed in article IX the two countries intend to restudy Niagara and to make future adjustments and agreements concerning the allocation and diversion of water, from the Niagara River, having also in mind the preservation of the scenic beauty of the Falls.

In construing any congressional act, treaty, or international agreement, it is always wise and proper to study the purposes thereof and the reports of committees appointed to make recommendations and suggest provisions to be placed therein. On the question of permitted diversions of water from the Niagara River above the Falls, it is well to consider the known facts in respect to the present use of water from the Niagara River above and at the Falls, and the probable reason for placing in article IX of the agreement, a provision which would permit an additional temporary or permanent diversion on each side of the boundary of at least 5,000 cubic foot-seconds in addition to the diversions permitted in the treaty of 1909.

Canada has brought into the watershed by the Ogoki and Long Lac Rivers diversions into Lake Superior 5,000 cubic foot-seconds which, pursuant to understandings between the two governments, would entitle Canada to use of such additional water by diversion at Niagara Falls, for hydroelectric development.

On the American side, we have seen that a diversion of only 20,000 cubic foot-seconds is allowed as against 36,000 on the Canadian side.

Diversions from Lake Michigan at Chicago have been limited by a decision of the United States Supreme Court to 1,500 cubic foot-seconds in addition to approximately 1,900 cubic foot-seconds originally allowed for municipal water supply. Prior to the treaty of 1909, Chicago was claiming the right to divert at least 10,000 cubic foot-seconds for the purpose of sewage disposal which water would outlet through the Illinois River into

the Mississippi. Chicago even claimed that a large increase of population might even require 20,000 cubic foot-seconds for all purposes. Much of this water when so used and diverted would develop large quantities of hydroelectric power, but through inefficient plants with a low head, not comparable with Niagara or the St. Lawrence developments. The proposed Chicago diversion resulted in litigation. Objection was made to the dumping of sewage and additional water into the Illinois River and thence into the Mississippi where floods were already a menace. The Great Lakes States and New York also objected on the ground that the lake levels would be lowered and water unlawfully taken from the watershed. The Supreme Court, therefore, wisely determined the rights of Chicago, and limited such diversion as we have already seen. That the limitation was just and equitable was later demonstrated when the works were completed.

A letter written by Gen. E. M. Markham, Chief of Army Engineers, bearing date January 31, 1934, to Hon. Key Pittman, is most interesting. This letter appears as appendix 4. At this time it is probable that about 1,900 cubic foot-seconds are being diverted at Chicago for drinking and domestic uses in addition to the 1,500 cubic foot-seconds permitted by the decision of the United States Supreme Court for sewage purposes, making an aggregate of 3,400 cubic foot-seconds.

On March 19, 1906, the report of the American members of the International Waterways Commission was filed, which made recommendations as to the necessity of a treaty to control diversions at Niagara, and for other purposes. The Commission made recommendations that diversions from Niagara River above the Falls should be consistent with the then use of such waters, and mentioned the fact that 10,000 cubic foot-seconds was contemplated from Lake Michigan for uses at Chicago. One cannot read this report and the subsequent treaty of 1910, and the final report of the Special International Board, without being impressed with the fact that at least 6,700 cubic foot-seconds should be allocated to the New York State side of the international boundary and be diverted from the Niagara River above the Falls without further delay.

Such facts, including the Ogoki and Long Lac Rivers diversion by Canada—all well known to those negotiating the agreement of 1941—undoubtedly influenced the decision to include in such agreement the provisions contained in article IX.

It is the intention of the two Governments, as clearly stated in the agreement of 1941, to make further investigations and studies before finally determining and agreeing upon the amount of water which can be properly diverted for power purposes from the Niagara River above the Falls and the allocation and use of the same on each side of the boundary. That this is also the view of Canada is disclosed in paragraph (c) of article VII as contained in an agreement entered into between the Government of Canada and the Province of Ontario, which is also dated March 19, 1941, and which is an accord between Canada and Ontario in respect to the use of diverted water for the production of hydroelectric power by Ontario resulting from the 1941 agreement. Paragraph (c) reads as follows:

"Upon completion of the remedial works authorized under article IX of the Canada-United States agreement, Canada, without delay, will authorize such diversions of water above the Falls, for power purposes, in addition to the amounts specified in article 5 of the Boundary Waters Treaty of 1909, as Canada is from time to time enabled to authorize under article IX of the Canada-United States agreement and Canada will

promptly take steps that may be necessary under the Canada-United States Agreement to enable Canada to authorize at all times the maximum permissible diversion of water for power."

The arrangement between the United States and Canada clearly indicates that Canada, having diverted the waters of the Ogoki and Long Lac Rivers into Lake Superior, is entitled to divert an equal amount of water and to use the same on the Canadian side of the border, and such arrangement does not seem to be in conflict with the spirit or intention of the treaty of 1909, or the recognized right of either country to make use of water which it actually supplies through and by means of its own works and improvements so long as such works do not change water levels adversely to the other country.

The arrangement in connection with the Ogoki diversion is one of the factors which entered into the proposal contained in article IX of the agreement of 1941, to make a new study of the whole situation at Niagara and for the temporary diversions indicated in such article. A reasonably clear statement of such intention is expressed in a letter from Hon. W. L. Mackenzie King to Mr. Pierrpont Moffat, Minister to Canada, dated March 5, 1941. The following is a quotation from such letter:

"We are also duly appreciative of the agreement recently reached between our respective Government, whereby the Province of Ontario has obtained the right to the immediate use of additional power at Niagara, and the diversion of the waters of the Ogoki and Long Lac Rivers into Lake Superior, in consideration of which, authority was given for the immediate investigation by United States engineers of the project in the international section of the St. Lawrence River in Ontario, in order to enable work of future development to proceed with the least possible delay, once an agreement between the two Governments respecting the St. Lawrence development was concluded."

The conclusions which I reach are:

1. That under article IX of the agreement of 1941 there is to be no permanent diversion of any water from the Niagara River in excess of the amount specified in the treaty of 1909, without a further study and future understandings and agreements between the two countries.

2. That, having in mind all the provisions contained in the treaty of 1909, and the purpose of such treaty, and the powers of each government to regulate commerce and navigation and to appropriate funds therefor, an agreement between the United States and Canada for immediate and permanent diversions of additional water from Niagara River above the falls, is permissible and appropriate procedure, and that when such agreement, or any other similar agreement, is ratified by concurrent legislation of Congress and Parliament, it becomes the law of the land.

3. The Constitution does not forbid the modification or amendment of the treaty of 1909 by concurrent legislation of Congress and Parliament.

#### APPENDIX III

The following are a few of the many executive agreements and concurrent acts of Congress relating to international compacts:

1792 (February 20): Act of Congress authorizing subsequent executive agreements with Canada in respect to postal service.

1799 (Washington administration): Settlement of the Wilmington Packet controversy with the Netherlands by an exchange of notes.

1845: Texas annexed by joint resolution of Congress, accepted by the Government and people of Texas. A treaty of annexa-

tion had previously been defeated in the Senate. In instructions relating to the resolutions Secretary Calhoun said, "It is now admitted that what was sought to be effected by the treaty submitted to the Senate, may be secured by a joint resolution of the two Houses of Congress incorporating all its provisions. This mode of effecting it will have the advantage of requiring only a majority of the two Houses." (Held valid. *Texas v. White* (74 U. S. 700).)

1850: Secretary of State Daniel Webster acquired Horse Shoe Reef in Buffalo Harbor and Congress appropriated the purchase price. (See Malloy, *Treaties and Conventions*, vol. 1, p. 663.)

1890: McKinley Tariff Act, followed by executive agreements.

1892: Executive agreement with Germany protecting authors, artists, musicians, and photographers by reciprocal stipulations relating to copyrights.

1898: Hawaii annexed by joint resolution of Congress after two treaties had been submitted and ignored. These resolutions were approved by President McKinley, July 7, 1898.

1900: Samoan Islands annexed by release of Great Britain and Germany and consent of native chiefs. (President Theodore Roosevelt made the agreement.)

1903: Two executive agreements with Cuba (Congress making appropriations) relative to coaling stations for the Navy, customs, and navigation duties.

1905: President Theodore Roosevelt refused to sanction a change made by the Senate in the terms of a special agreement made pursuant to a treaty with Great Britain respecting arbitration of international disputes. The only change made was the insertion of the word "treaty" instead of "agreement."

1905: President Theodore Roosevelt entered into an executive agreement with the Dominican Republic (in lieu of a treaty) providing for a receiver of revenues from customhouses.

1911 (January 21): President Taft sought avoidance of Senate two-thirds rule by making use of an executive agreement with Canada for tariff reciprocity. This was accomplished by an exchange of notes which frankly stated "that the desired tariff changes shall not take the formal shape of a treaty, but that the Governments of the two countries will use their utmost efforts to bring about such changes by concurrent legislation at Washington and Ottawa."

1921 (July 2): Joint resolution of Congress, declaring war with Germany at an end.

1923 (October 18): Executive agreement with Brazil under Tariff Act of 1922, executed by Secretary Hughes with approval of President, relating to principles of commercial equality.

1934: Act of Congress authorizing the President to enter into foreign-trade agreements with foreign governments.

1940 (August 18): The Roosevelt-Mackenzie King agreement between United States and Canada providing for a permanent joint board of defense for north half of the Western Hemisphere.

1940 (September 2): The Hull-Lothian agreement between the United States and Great Britain relating to the defense of the Western Hemisphere, and granting to the United States naval and air bases on Newfoundland and elsewhere and transferring in exchange 50 destroyers. (See opinion of Attorney General Jackson dated August 17, 1940, to the effect that this agreement is constitutionally valid.)

1941 (March 11): Lend-Lease Act, the basis of the present mutual-aid agreements.

1798 to date: Bipartite agreements authorized by acts of Congress relating to international mail service. (Particular reference is made to the act of 1872.)



PROTECTION OF WIDOWS AND CHILDREN  
OF DECEASED WORLD WAR NO. 1 VET-  
ERANS

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1315, House bill 1744.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 1744) to provide Government protection to widows and children of deceased World War veterans, reported with an amendment.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITE. Mr. President, am I correct in my understanding that the bill was favorably reported by unanimous vote of the committee? I believe that to be true.

Mr. GEORGE. The Senator from Maine is correct.

Mr. President, I wish to make a statement in explanation of my reason for bringing up the bill at this late hour. House bill 1744, as it came to the Senate, sought to give the benefits, substantially, that are contained in the amendment of the Finance Committee of the Senate, but the Senate Finance Committee, acting on the advice of the Veterans' Administration, for the purpose of bringing about simplicity and uniformity in the law, amended the House bill by striking out all after the enacting clause and proposing a substitute amendment.

The Senate Finance Committee did one thing which was not recommended or suggested by the Veterans' Administration. The Veterans' Administration in a proposed substitute bill had asked for the repeal of section 4 of Public Law No. 312 of the Seventy-eighth Congress. The Senate Finance Committee disagreed with that proposal, because we did not think it appropriate or proper to take away from the widows and children of veterans of World War No. 2 any benefits so recently granted them, and that that question, if it should be reconsidered, should be reconsidered on its merits in a separate bill. So the committee substitute deals entirely with the widows and children of veterans of World War No. 1, and all of Public Law No. 312 is preserved, and it was necessary, in the substitute, to repeat one or two provisions of Public Law 484 of the Seventy-third Congress.

The House bill gave to the widow of a veteran of World War No. 1 without children \$30. The substitute increased that amount to \$35. The House bill gave to the widow with one child—with \$4 for each additional child—\$38. The Senate committee increased that to \$45. And the subsequent increases are in line. So that the Senate bill is slightly more liberal to the widows and children of veterans of World War No. 1.

It is estimated that the cost for the first year of the substitute offered by the Senate Finance Committee will be slightly over \$37,000,000. As passed by the House, the bill would cost \$32,000,000 for the first year. The action taken

by the Senate committee was unanimous. This is a service pension for the widows and children of veterans of World War No. 1, without any change or modification of the privileges and benefits granted during this and the preceding session of this Congress to widows and children of veterans of World War No. 2.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 1744) to provide Government protection to widows and children of deceased World War veterans, which had been reported with an amendment to strike out all after the enacting clause and to insert:

That section 1 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended, is hereby amended by repealing subsections (a) and (b) thereof and substituting the following:

"Sec. 1. (a) The surviving widow, child, or children of any deceased person who served in World War No. 1 before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and who was discharged or released from active service under conditions other than dishonorable after having served 90 days or more or for disability incurred in the service in line of duty, or who at time of death was receiving or entitled to receive compensation, pension, or retirement pay for service-connected disability, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive pension as provided by this act."

Sec. 2. That section 2 of Public Law No. 484, Seventy-third Congress, as amended, is hereby amended to read as follows:

"Sec. 2. (a) That the monthly rates of pension shall be as follows: Widow but no child, \$35; widow and one child, \$45 (with \$5 for each additional child); no widow but one child, \$18; no widow but two children, \$27 (equally divided); no widow but three children, \$36 (equally divided), with \$4 for each additional child (the total amount to be equally divided).

"(b) The total pension payable under this section shall not exceed \$74. Where such benefits would otherwise exceed \$74, the amount of \$74 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

Sec. 3. That section 3 of Public Law No. 514, Seventy-fifth Congress, May 13, 1938, is hereby amended to read as follows:

"Sec. 3. On and after the date of enactment of this act for the purpose of payment of compensation or pension under the laws administered by the Veterans' Administration, the term 'widow of a World War No. 1 veteran' shall mean a woman who was married prior to the effective date of enactment of this amendment, or 10 or more years, to the person who served: *Provided*, That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation or pension accrued: *And provided further*, That where the original date of marriage meets the statutory requirement and the parties were legally married at date of death of the veteran, the requirement of the statute as to date of marriage will be regarded as having been met. Compensation or pension shall not be allowed a widow who has remarried either once or more than once, and where compensation or pension is properly discontinued by reason of

remarriage it shall not thereafter be recommenced. No compensation or pension shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow."

Sec. 4. This act shall be effective from the date of its approval: *Provided*, That notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law No. 484, Seventy-third Congress, as amended, contained in section 1 of this act, claims otherwise payable for a period prior to the effective date of this act may be adjudicated and placed on the roll and the benefits of this act shall be applicable to such claims and those claims now on the rolls.

Sec. 5. Except to the extent they may conflict with the provisions of this act, the provisions of Public Law No. 2, Seventy-third Congress, March 20, 1933, the Veterans Regulations promulgated thereunder, and of Public Law No. 144, Seventy-eighth Congress, July 13, 1943, as now or hereafter amended, shall be applicable to this act: *Provided*, That no compensation or pension shall be reduced or discontinued by the enactment of this act.

Sec. 6. The widow, child, or children of a veteran who served in World War No. 2 whose death is not due to service therein, but who at the time of death was receiving or entitled to receive pension, compensation, or retirement pay for disability incurred in such service, or who, having served at least 90 days during such war period or having been discharged for disability incurred in line of duty during such service, dies or has died from a disease or disability not service connected and at the time of death had a disability due to such service for which pension would be payable if 10 percent or more in degree, shall be entitled to pension in the amounts and otherwise subject to the conditions of Public Law No. 484, as amended: *Provided*, That for the purposes of this section the definition of the terms "veteran," "widow," "child or children" shall be those applicable to World War No. 2 as provided in Public Law No. 2, Seventy-third Congress, as now or hereafter amended: *And provided further*, That section 4, Public Law No. 312, Seventy-eighth Congress, is hereby amended accordingly.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, H. R. 1744, was read the third time and passed.

The title was amended so as to read: "A bill to provide Government protection to widows and children of deceased World War I veterans, and for other purposes."

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the report which accompanied the bill which has just been passed be printed in the Record at this point.

There being no objection, the report (No. 1297) was ordered to be printed in the Record, as follows:

The Committee on Finance, to whom was referred the bill (H. R. 1744) to provide Government protection to widows and children of deceased World War No. 1 veterans, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

1. Amend the title of the bill to read:

"A bill to provide Government protection to widows and children of deceased World War No. 1 veterans, and for other purposes."

2. Strike out all after the enacting clause and substitute in lieu thereof the following:

"That section 1 of Public Law No. 494, Seventy-third Congress, June 28, 1934, as amended, is hereby amended by repealing subsections (a) and (b) thereof and substituting the following:

"Sec. 1. (a) The surviving widow, child, or children of any deceased person who served in World War No. 1 before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and who was discharged or released from active service under conditions other than dishonorable after having served 90 days or more or for disability incurred in the service in line of duty, or who at time of death was receiving or entitled to receive compensation, pension, or retirement pay for service-connected disability, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive pension as provided by this act."

"Sec. 2. That section 2 of Public Law No. 484, Seventy-third Congress, as amended, is hereby amended to read as follows:

"Sec. 2. (a) That the monthly rates of pension shall be as follows: Widow but no child, \$35; widow and one child, \$45 (with \$5 for each additional child); no widow but one child, \$18; no widow but two children, \$27 (equally divided); no widow but three children, \$36 (equally divided) with \$4 for each additional child (the total amount to be equally divided).

"(b) The total pension payable under this section shall not exceed \$74. Where such benefits would otherwise exceed \$74, the amount of \$74 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

"Sec. 3. That section 3 of Public Law No. 514, Seventy-fifth Congress, May 13, 1938, is hereby amended to read as follows:

"Sec. 3. On and after the date of enactment of this act for the purpose of payment of compensation or pension under the laws administered by the Veterans' Administration, the term "widow of a World War I veteran" shall mean a woman who was married prior to the effective date of enactment of this amendment, or 10 or more years, to the person who served: *Provided*, That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation or pension accrued: *And provided further*, That where the original date of marriage meets the statutory requirement and the parties were legally married at date of death of the veteran, the requirement of the statute as to date of marriage will be regarded as having been met. Compensation or pension shall not be allowed a widow who has remarried either once or more than once, and where compensation or pension is properly discontinued by reason of remarriage it shall not thereafter be recommenced. No compensation or pension shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow."

"Sec. 4. This act shall be effective from the date of its approval: *Provided*, That notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law No. 484, Seventy-third Congress, as amended, contained in section 1 of this act, claims otherwise payable for a period prior to the effective date of this act may be adjudicated and placed on the roll and the benefits of this act shall be applicable to such claims and those claims now on the rolls.

"Sec. 5. Except to the extent they may conflict with the provisions of this act, the provisions of Public Law No. 2, Seventy-third Congress, March 20, 1933, the Veterans Regulations promulgated thereunder, and of Public Law No. 144, Seventy-eighth Congress, July 13, 1943, as now or hereafter amended, shall be applicable to this act: *Provided*, That no compensation or pension shall be reduced or discontinued by the enactment of this act."

"Sec. 6. The widow, child, or children of a veteran who served in World War II whose death is not due to service therein, but who at the time of death was receiving or entitled to receive pension, compensation, or retirement pay for disability incurred in such service, or who, having served at least 90 days during such war period or having been discharged for disability incurred in line of duty during such service, dies or has died from a disease or disability not service connected and at the time of death had a disability due to such service for which pension would be payable if 10 percent or more in degree, shall be entitled to pension in the amounts and otherwise subject to the conditions of Public Law No. 484, as amended: *Provided*, That for the purposes of this section the definition of the terms "veteran," "widow," "child or children" shall be those applicable to World War I as provided in Public Law No. 2, Seventy-third Congress, as now or hereafter amended: *And provided further*, That section 4, Public Law No. 312, Seventy-eighth Congress, is hereby amended accordingly."

The report of the Veterans' Administration on H. R. 1744 furnished this committee July 24, 1944, sets forth certain formal defects in the bill H. R. 1744 and the effects thereof. For the purposes of uniformity and simplicity of administration it is deemed advisable to accept, with modifications, the draft of proposed substitute bill which accompanied the report of the Veterans' Administration which employs the existing law, Public Law 484, Seventy-third Congress, as amended. Changes in the substitute bill, approved by this committee, other than those made to clarify and to meet technical objections are: (1) To integrate the bill with the new section 6 which preserves the rights for World War No. 2 cases; and (2) to extend the delimiting marriage date from May 13, 1938, to the date of enactment of the act rather than 1 year prior thereto as provided in the substitute bill.

It is necessary to restate the eligibility requirements in the new section 6 pertaining to World War No. 2 cases, which will have the effect of reenacting in toto the Public Law 484 provisions for World War No. 2 cases, thus preserving all rights granted that group by section 4 of Public Law 312, Seventy-eighth Congress, May 27, 1944.

In brief, the bill as reported differs materially from H. R. 1744 as reported by this committee in that it adopts the rates for widows and children at present provided in Public Law 484, Seventy-third Congress, as amended, however, increasing the aggregate limitations from \$64 to \$74, which was overlooked when the rates were increased by Public Law 312, Seventy-eighth Congress. For convenience the rates under H. R. 1744 as referred to this committee and as provided by the bill as reported, are set forth below:

"Rates under H. R. 1744 as passed House of Representatives

"Widow, but no child.....	\$30
Widow, with 1 child (with \$4 for each additional child).....	38
No widow, but 1 child.....	15
No widow, but 2 children (equally divided).....	22
No widow, but 3 children (equally divided).....	30
With \$3 for each additional child; total amount to be equally divided.	

"The total compensation payable under this section shall not exceed \$64. Where such benefits would otherwise exceed \$64, the amount of \$64 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

"Rates under H. R. 1744 as reported by Committee

"(Identical with Public Law 484, as amended, with change in aggregate limitation)

"Widow, but no child.....	\$35
Widow, with 1 child (with \$5 for each additional child).....	45
No widow, but 1 child.....	18
No widow, but 2 children (equally divided).....	27
No widow, but 3 children (equally divided).....	36
With \$4 for each additional child (the total amount to be equally divided.)	

"The total compensation payable under this section shall not exceed \$74. Where such benefits would otherwise exceed \$74, the amount of \$74 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

There are no World War No. 1 cases in which entitlement could be established under Public Law 484, as amended, where eligibility could not be established under H. R. 1744 as reported by this committee and the rates being identical with those provided in Public Law 484, as amended, the need for a separate act or continuing Public Law 484, as amended, in its present form, for World War No. 1 cases, is removed.

As stated in the report of the Veterans' Administration on H. R. 1744, the estimated cost the first year is approximately \$31,958,500, whereas under the substitute bill the estimated cost the first year is approximately \$37,496,500. The difference in cost will be offset to some extent by the material administrative savings effected in removing the requirement of adjudicating World War No. 1 claims under Public Law 484, as amended, to determine whether some form of service-connected disability existed at date of death as would be necessary if H. R. 1744 were enacted in the form in which it was referred to this committee. Further, as stated in the report of the Administrator of Veterans' Affairs, an outright service pension to widows and children of World War No. 1 veterans has substantially been accomplished by repeated liberalizing amendments to Public Law 484, Seventy-third Congress. Therefore, there appears to be no sound reason for authorizing rates other than those now in Public Law 484, as amended.

It will be noted that the substitute bill proposed by the Veterans' Administration was furnished this committee after clearance by the Bureau of the Budget, and that the only substantial change therein made by the committee is to reject the proposal in section 6 to repeal the provisions of section 4 of Public Law 312, Seventy-eighth Congress, May 27, 1944, which granted benefits under Public Law 484, as amended, to widows and children of World War No. 2 veterans.

The committee determined that the question of altering the rights recently granted World War No. 2 widows and children is not involved in the consideration of this particular bill, H. R. 1744, but one which, when considered, should be determined on the basis of separate proposed legislation.

The report of the Veterans' Administration, with attachments, follows:

VETERANS' ADMINISTRATION,  
Washington 25, July 24, 1944.  
Hon. WALTER F. GEORGE,  
Chairman, Committee on Finance,  
United States Senate,  
Washington, D. C.

MY DEAR SENATOR GEORGE: Further reference is made to your letter dated May 22,



1944, requesting a report on H. R. 1744, Seventy-eighth Congress, a bill to provide Government protection to widows and children of deceased World War veterans.

The bill would grant benefits (compensation) in the nature of service pension to widows and children of veterans of World War No. 1 who entered service prior to November 12, 1918, or prior to April 2, 1920, if service was in Russia, and were honorably discharged after having served 90 days or more, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty. Under the bill the cause of the veteran's death is immaterial and there is no requirement similar to that contained in the act of June 28, 1934 (Public Law 484, 73d Cong.), as amended, that the veteran shall have had a service-connected disability at the time of his death. The rates are the same as those which were provided in Public Law 484, Seventy-third Congress, as amended, prior to the recent amendment of that act by Public Law 312, Seventy-eighth Congress, approved May 27, 1944, increasing the monthly rates of compensation to those entitled to benefits thereunder and extending such benefits to the widows and children of World War No. 2 veterans. Payment of benefits under the bill would be subject to income limitations similar to those provided in Public Law 484, Seventy-third Congress, as amended.

The term "widow" is defined in the bill as a person who was married prior to the date of the enactment of the act to the person who served. This definition would extend the delimiting marriage date approximately 6 years in World War No. 1 non-service-connected death cases, and since such definition is not made uniformly applicable to all World War No. 1 cases, its adoption would create inequalities as to War War No. 1 service-connected death cases which are governed by the delimiting marriage date of May 13, 1938, as well as other reasonable and uniform limitations and requirements as to remarriage, continuous cohabitation, etc., which are not made applicable to widows entitled to non-service-connected death benefits by the proposed legislation.

The definition of the term "child" as used in the bill is substantially the same as that uniformly applied under laws administered by the Veterans' Administration except that under the definition of that term as contained in the proposed legislation, a child would be eligible to receive benefits thereunder after his or her twenty-first birthday if attending school until completion of the course of instruction provided such child entered upon such course prior to his or her twenty-first birthday.

The effective date of an award of benefits under the proposed legislation, where application for benefits under Public Law 484, Seventy-third Congress, as amended, is on file in the Veterans' Administration would be the date of the enactment of the act and in all other cases from the date application is filed in the Veterans' Administration.

If the bill is enacted into law, widows and children of veterans of World War No. 1 now barred from receiving death compensation benefits under Public Law 484, Seventy-third Congress, as amended, by reason of the fact that the veteran did not have a service-connected disability at the time of his death or by reason of the delimiting marriage date or requirement as to continuous cohabitation applicable to that law, if otherwise eligible, would be entitled to death compensation benefits at slightly lower rates than those who meet the requirements of Public Law 484, Seventy-third Congress, as amended. It would establish an inequality with respect to children of World War No. 1 veterans who entered upon a course of instruction in an educational institution prior to their twenty-first birthday by permitting payments on behalf of such children thereafter until com-

pletion of such course, whereas payments are made only until the child's twenty-first birthday in other cases under existing laws. With respect to widows of World War No. 1 veterans, the bill would create numerous inequalities by establishing more liberal marital eligibility requirements in non-service-connected death cases than those in the service-connected death cases and would omit the existing bar pertaining to remarried widows.

The bill would require service of 90 days and an honorable discharge unless the veteran who served less than 90 days was discharged for a disability incurred in service in line of duty. Under Public Law 484, Seventy-third Congress, as amended, benefits are payable irrespective of the length of service of the veteran, or the cause of his death (and an honorable discharge is not prerequisite to entitlement), if the veteran died while receiving or entitled to receive compensation, pension, or retirement pay for 10 percent disability or more presumptively or directly incurred in or aggravated by service. Benefits are also payable under that act, as amended, where the veteran had a service-connected disability for which compensation would be payable if such disability were 10 percent or more in degree even though the disability may be even lower than 1 percent in degree but to establish entitlement under this provision service of 90 days or more and an honorable discharge are required, unless the veteran who served less than 90 days was discharged for disability incurred in the service in line of duty.

The Veterans' Administration does not object to legislation providing an outright service pension to widows and children of veterans of World War No. 1, which has substantially been accomplished by the numerous amendments to Public Law 484, Seventy-third Congress, through liberalization of the original requirement that there be a 30-percent service-connected disability at the time of the veteran's death, then 20 percent, then 10 percent, until now a service-connected disability of even less than 1 percent is sufficient to confer a pensionable status. However, there are many formal defects in the bill, H. R. 1744, which render it objectionable, and it would produce inequalities and administrative complications. Therefore, enactment of the bill in its present form is considered undesirable. These defects in the bill would be eliminated and the administration of its provisions greatly simplified if the legislative proposals were ingrafted into and correlated with existing law as amendments to Public Law 484, Seventy-third Congress, and amendments thereto. As a separate enactment, the administrative, definitive, and regulatory provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations, as amended, and the penal and forfeiture provisions of that law would not be for application to benefits provided for therein, and the bill makes no provision therefor. The definitions as contained in the bill, as stated above, are at variance with those uniformly applied to benefits payable under other laws administered by the Veterans' Administration and would result in numerous inequalities.

There is enclosed for the consideration of the committee a proposed substitute bill which would accomplish, through amendments to Public Law 484, Seventy-third Congress, as amended, practically the same purposes as H. R. 1744, and at the same time remove the objectionable features of H. R. 1744. The substitute measure would repeal the eligibility requirements of Public Law 484, Seventy-third Congress, as amended, subject to certain saving provisions and establish an outright service pension for widows and children of World War No. 1 veterans at the increased rates now payable under that law as amended by section 2, Public Law 312, Seventy-eighth Congress, approved May 27, 1944.

It would modify the definition of the term "widow" as applied to benefits payable under the proposed legislation and make such definition uniformly applicable to benefits payable in World War No. 1 cases under other laws administered by the Veterans' Administration, and adopt the definition of the term "child" as applied in existing law.

Since the eligibility requirement that the veteran shall have had a service-connected disability at the time of death would be repealed and a service pension would be provided for widows and children of World War No. 1 veterans, the substitute bill would provide for a repeal of section 4, Public Law 312, Seventy-eighth Congress, May 27, 1944, which extended the benefits provided in Public Law 484, Seventy-third Congress, as amended, to widows and children of World War No. 2 veterans. It is believed that extension of the benefits for non-service-connected death to the widows and children of World War No. 2 veterans, as provided in section 4 of Public Law 312, which benefits are substantially service pensions, constituted a precedent by granting such benefits before termination of the war. It further introduced complications in the service-pension program for World War No. 1 for the reason that the principle upon which the grant was made must have been to afford the same benefits to World War No. 2 cases as are afforded World War No. 1 cases. To follow that principle, it would be necessary to consider including World War No. 2 cases in the bill before the committee. The granting of an outright service pension to widows and children of World War No. 2 veterans prior to termination of the present war presents additional and serious objections.

Sixteen years elapsed after the Armistice of November 11, 1918, before circumstances appeared to justify the extension of benefits for non-service-connected deaths to widows and children of veterans of World War No. 1, and even then this legislation required that the veteran must have had a directly service-connected disability disabling to a degree of 30 percent at the time of his death. The Government's first obligation extends to those disabled in active duty in the military and naval service and to the dependents of those who die as the result of the disability so incurred. The full extent of the Government's responsibility in this respect cannot be determined until after the war has terminated. The magnitude and the extent of providing death pension benefits to widows and children of veterans of the present war whose deaths are in no way attributable to their military or naval service should receive careful and thoughtful study by the Congress. Heretofore, benefits granted in non-service-connected cases led to the Economy Act of March 20, 1933, which resulted in repeal of such laws and restrictions on the service-connected group. While service pension to widows and children of World War No. 1 veterans may be justified at this time, it is recommended that the draft offered by the Veterans' Administration be used and that section 4 of Public Law 312 be repealed as provided in that draft, thus leaving the matter of service pensions for World War No. 2 widows and children to be determined in later years and then considered on the basis of need and the ability of the Government to meet the obligation involved.

There is enclosed a comparative analysis of Public Law 484, Seventy-third Congress, as amended, and of H. R. 1744 and the proposed substitute bill.

It is estimated that H. R. 1744 would make eligible for the benefits provided thereunder, the dependents of approximately 163,300 deceased World War No. 1 veterans whose deaths were not due to service at a cost for the first year of approximately \$63,917,000. The substitute bill would make eligible for benefits provided thereunder, the dependents of approximately 162,300 deceased World War No.

1 veterans whose deaths were not due to service at a cost for the first year of approximately \$74,543,000. The lower number of cases is due to the year's difference in the delimiting marriage date, and the difference in cost is due to the higher rates provided therein. In addition, the uniform marriage provision in the proposed substitute bill would bring on the rolls approximately 750 widows of World War No. 1 veterans who died of a service-connected disability, at an annual cost of \$450,000 which would increase the total estimated cost of the substitute bill for the first year to \$74,993,000.

From experience of the Veterans' Administration, it is believed that not more than one-half of those entitled would apply, and be paid the first year. Therefore, it is estimated that the actual expenditure under H. R. 1744 would approximate \$31,958,500 for the first year, bringing on the rolls the dependents of 81,650 deceased World War No. 1 veterans, and that the actual expenditure under the substitute bill would approximate \$37,496,500 for the first year, bringing on the rolls the dependents of 81,525 deceased World War No. 1 veterans.

The cost quoted for each bill is considered a minimum as H. R. 1744 may bring on the rolls in 20 to 25 years a peak load of 730,000 new cases at a cost, for 1 year, of \$264,300,000 and the substitute bill may bring on the rolls more than 700,000 new cases at a cost, for 1 year, of \$308,000,000. These groups would be in addition to those eligible under laws now in effect.

For the foregoing reasons, the Veterans' Administration is unable to recommend H. R. 1744 in its present form to the favorable consideration of your committee, but recommends in lieu thereof the substitute bill as heretofore explained.

Advice has been received from the Bureau of the Budget that there would be no objection by that office to the submission of this report to your committee.

Very truly yours,

FRANK T. HINES, Administrator.

A bill to provide Government protection to widows and children of deceased World War No. 1 veterans, and for other purposes

*Be it enacted, etc.,* That section 1 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended, is hereby amended by repealing subsections (a) and (b) thereof and substituting the following:

"SEC. 1. (a) The surviving widow, child, or children of any deceased person who served in World War No. 1 before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and who was honorably discharged after having served 90 days or more or for disability incurred in the service in line of duty, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive pension as provided by this act."

SEC. 2. That section 2 of Public Law No. 484, Seventy-third Congress, as amended, is hereby amended to read as follows:

"SEC. 2. (a) That the monthly rates of pension shall be as follows: Widow but no child, \$35; widow and one child, \$45 (with \$5 for each additional child); no widow but one child, \$18; no widow but two children, \$27 (equally divided); no widow but three children, \$36 (equally divided) with \$4 for each additional child (the total amount to be equally divided)."

"(b) The total pension payable under this section shall not exceed \$74. Where such benefits would otherwise exceed \$74, the amount of \$74 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

SEC. 3. That section 3 of Public Law No. 514, Seventy-fifth Congress, May 13, 1938, is hereby amended to read as follows:

"SEC. 3. On and after the date of enactment of this act for the purpose of payment of compensation or pension under the laws administered by the Veterans' Administration, the term 'widow of a World War No. 1 veteran' shall mean a woman who was married to the person who served 10 or more years prior to his death, or more than 1 year prior to the effective date of enactment of this amendment: *Provided*, That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation or pension accrued: *And provided further*, That where the original date of marriage meets the statutory requirements and the parties were legally married at date of death of the veteran, the requirement of the statute as to date of marriage will be regarded as having been met. Compensation or pension shall not be allowed a widow who has remarried either once or more than once, and where compensation or pension is properly discontinued by reason of remarriage it shall not thereafter be recommenced. No compensation or pension shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow."

SEC. 4. This act shall be effective from the date of its approval: *Provided*, That notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law No. 484, Seventy-third Congress, as amended, contained in section 1 of this act, claims based on World War No. 1 service otherwise payable for a period prior to the effective date of this act may be adjudicated and placed on the roll and the benefits of this act shall be applicable to such claims and those claims now on the rolls.

SEC. 5. Except to the extent they may conflict with the provisions of this act, the provisions of Public Law No. 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended, and of Public Law No. 144, Seventy-eighth Congress, July 13, 1943, shall be applicable to this act: *Provided*, That no compensation or pension shall be reduced or discontinued by the enactment of this act.

SEC. 6. Section 4 of Public Law No. 312, Seventy-eighth Congress, May 27, 1944, is hereby repealed: *Provided*, That claims based on World War No. 2 service which have been adjudicated and allowed under such repealed provision prior to the effective date of this act shall not be affected by such repeal.

#### COMPARATIVE ANALYSIS OF H. R. 1744, PUBLIC LAW 484, SEVENTY-THIRD CONGRESS, AS AMENDED, AND PROPOSED SUBSTITUTE BILL

Section 1 of Public Law 484, Seventy-third Congress, June 28, 1934, as amended by section 1 of Public Law 198, Seventy-sixth Congress, July 19, 1939, provides in subsection (a) for payment of compensation to the widow, child, or children of a deceased World War No. 1 veteran who served in World War No. 1 before November 12, 1918, or before April 2, 1920, if service was in Russia, irrespective of the length of his service, whose death was not service-connected but who was receiving or entitled to receive compensation, pension, or retirement pay for service-connected disability 10 percent or more in degree at the time of his death. An honorable discharge is not prerequisite to entitlement, and the requirements as to discharge are those contained in section 23 of the World War Veterans' Act, 1924, as amended; and in subsection (b) for payment of compensation to the widow, child, or children of a deceased World War No. 1 veteran who served in World War No. 1 before November 12, 1918, or before

April 2, 1920, if service was in Russia, for a period of 90 days or more and who was honorably discharged from service, or who having served less than 90 days was discharged for disability incurred in service in line of duty and who at the time of his death from non-service-connected disability, had a service-connected disability for which compensation would be payable if the disability were 10 percent or more in degree. Subsection (c), as amended by section 11 of Public Law 144, Seventy-eighth Congress, July 13, 1943, provides an income limitation of \$1,000 as to any widow without child, or a child, and \$2,500 as to a widow with child or children. In determining annual income any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration may not be considered, and where payments to a widow are disallowed or discontinued by reason of this income limitation, payments to a child or children may be made as though there is no widow.

Section 1 of H. R. 1744 provides for payment of death compensation to the widow, child, or children of a World War No. 1 veteran whose death was not due to service under the same service requirements as in subsection (b) above, that is, 90 days or more service before November 12, 1918, or before April 2, 1920, if service was in Russia, and an honorable discharge unless the veteran having served less than 90 days was discharged for line of duty disability. It contains the same income limitation as in (c) above, but in determining annual income provides that payments of war-risk term insurance, United States Government life (converted) insurance, and payments under the World War Adjusted Compensation Act, as amended, and the Adjusted Compensation Payment Act, 1936, shall not be considered. This provision is less liberal in that it does not include national service life insurance or take into consideration future benefits which may be paid under laws administered by the Veterans' Administration. It does not protect payments to a child or children where payments to the widow are disallowed or discontinued as in (c) above.

Section 1 of the substitute bill would repeal the eligibility requirements as contained in subsections (a) and (b) of section 1, Public Law 484, Seventy-third Congress, as amended, and substitute a new subsection (a) providing for payment of death-pension benefits to the widow, child, or children of a deceased World War No. 1 veteran who was honorably discharged after having served 90 days or more in World War No. 1 prior to November 12, 1918, or April 2, 1920, if service was in Russia, or who having served less than 90 days, was discharged for disability incurred in the service in line of duty and whose death was not due to service, thus adopting the service requirements of H. R. 1744 and eliminating the requirement that the veteran have a service-connected disability at the time of his death. The benefits are designated pension rather than compensation, which is the term generally applied under laws administered by the Veterans' Administration in World War No. 1 cases to benefits payable for service-connected disability or death. Subsection (c) of section 1, Public Law 484, Seventy-third Congress, as amended, would not be disturbed and the more liberal income limitation as prescribed therein would be for application rather than the income limitation contained in H. R. 1744.

Section 2 of Public Law 484, Seventy-third Congress, as amended by section 2 of Public Law 198, Seventy-sixth Congress, July 19, 1939, prescribed the monthly rates of compensation payable under that act subject to a limitation of \$64 on the total amount payable to a widow and children, or children alone. The monthly rates were recently increased by



section 2, Public Law 312, Seventy-eighth Congress, May 27, 1944, but no change was made in the \$64 limitation which is still for application. H. R. 1744 provides for payment of compensation at the same rates as those prescribed in section 2 of Public Law 198, Seventy-sixth Congress, which are as follows:

Widow, but no child.....	\$30
Widow, 1 child (with \$4 for each additional child).....	38
No widow, 1 child.....	15
No widow, 2 children (equally divided)....	22
No widow, 3 children (equally divided) with \$3 for each additional child (total amount equally divided).....	30
Total amount may not exceed.....	64

The proposed substitute bill would adopt the increased rates provided in section 2 of Public Law 312, Seventy-eighth Congress, and increase the limitation on the total amount payable from \$64 to \$74. The monthly rates provided in section 2, Public Law 312, Seventy-eighth Congress, are as follows:

Widow, but no child.....	\$35
Widow, 1 child (with \$5 for each additional child).....	45
No widow, 1 child.....	18
No widow, 2 children (equally divided)....	27
No widow, 3 children (equally divided) with \$4 for each additional child (total amount equally divided).....	36

Section 3 of Public Law 484, Seventy-third Congress, June 28, 1934, in subsections (a), (b), and (c) defines the terms "person who served," "widow," and "child," respectively. H. R. 1744 defines the term "person who entered service" in substantially the same language as the term "person who served" is defined in subsection (a). The substitute bill would not disturb the definition of the term "person who served" as contained in subsection (a). Subsection (b) defining the term "widow" has been modified by section 3 of Public Law 514, Seventy-fifth Congress, May 13, 1938, which defines the term "widow of a World War No. 1 veteran." Under this definition, applicable to all World War No. 1 widows, service-connected and non-service-connected death, there is a provision relating to proof as to the validity of marriage and a delimiting marriage date, May 13, 1938; also a requirement of continuous cohabitation from date of marriage to date of death of the veteran except where there was a separation which was due to the misconduct of or procured by the veteran without fault of the widow. It also provides that compensation may not be allowed to a widow who has remarried either once or more than once, and where compensation is properly discontinued by reason of remarriage it may not thereafter be recommenced. Under H. R. 1744 the term "widow" is defined to mean a person who was married prior to the date of enactment of the proposed legislation and it also contains a provision relating to proof of marriages identical with that contained in the existing law. The substitute bill would define the term "widow of a World War No. 1 veteran" for the purpose of payment of compensation or pension to the widow of a World War No. 1 veteran under any of the laws administered by the Veterans' Administration, thus establishing uniformity, as a woman who was married to the person who served 10 or more years prior to his death or more than 1 year prior to enactment of the proposed legislation.

The 10-year rule as recommended by the Veterans' Administration was approved in recent legislation pertaining to service pensions of widows of Indian war veterans and is also incorporated in H. R. 86, Seventy-eighth Congress, now pending in the Senate, which would grant service pension to certain Civil War widows not entitled to service pensions under existing laws because of the delimiting marriage date of June 27, 1905. Pension is also provided in the substitute bill for widows who were married "more than 1 year prior to date of enactment of this

amendment," thus extending, in effect, the World War No. 1 delimiting marriage date approximately 5 years in order that marked injustices may not result from substitution of the 10-year marriage rule. The first proviso follows the existing law as well as H. R. 1744, relative to proof as to the validity of marriages but modifies this provision to prevent injustices which result from application of this provision in certain cases where the original date of marriage meets the statutory requirement but where the parties were divorced and later remarried subsequent to the delimiting marriage date. The provisions in existing law relating to continuous cohabitation and remarriage of the widow are contained in effect to prevent inequalities and establish uniformity in laws administered by the Veterans' Administration.

Subsection (c) of section 3 of Public Law 484, Seventy-third Congress, as amended, has been modified by application of section 1, Public Law 144, Seventy-eighth Congress, July 13, 1943, making the administrative, definitive, and regulatory provision of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended, applicable to benefits provided under Public Law 484, Seventy-third Congress, as amended, hence the definition of the term "child" as contained in paragraph VI, Veterans Regulation No. 10 Series, is applicable to benefits under this law, as well as under other laws administered by the Veterans' Administration. The definition of the term "child" as contained in H. R. 1744, is substantially the same as that contained in paragraph VI, Veterans Regulation No. 10 Series, except that under the definition of that term in the bill a child would be eligible to receive benefits thereunder after his or her twenty-first birthday if attending an approved educational institution until completion of the course of instruction entered upon prior to his or her twenty-first birthday. Under the substitute bill the definition of the term "child" as contained in existing law would not be disturbed.

Section 4 of Public Law 484, Seventy-third Congress, as amended by section 3 of Public Law 198, Seventy-sixth Congress, July 19, 1939, relates to proof and degree of disability and service connection thereof for which no provision is made or is necessary in H. R. 1744. This section would become inoperative under the substitute bill except as to cases saved from repeal of section 1 (a) and (b) of that act, hereinafter mentioned.

Section 5 of Public Law 484, Seventy-third Congress, June 28, 1934, relates to the effective date of payments under that act and was modified by section 6, Public Law 304, Seventy-fifth Congress, October 16, 1937, and applicable Veterans Regulations under which awards of death compensation are made effective from date of death of the World War No. 1 veteran if claim is filed within 1 year from date of death, otherwise from date of receipt of application in the Veterans' Administration. H. R. 1744 provides that payments shall be effective from date of enactment thereof in all cases where application under Public Law 484, Seventy-third Congress, as amended, is on file in the Veterans' Administration prior to such date of enactment, which would cover pending cases not then adjudicated, and that in all other cases payments shall be made from date application is filed in the Veterans' Administration. This latter provision would create an inequality as to claims filed within 1 year from the date of the veteran's death in that payment could not be made from the date of the veteran's death. The proposed substitute bill provides that the act shall be effective from the date of its approval with a proviso that notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law 484, Seventy-third Congress, as amended, contained in section 1 of the pro-

posed legislation, claims based on World War No. 1 service otherwise payable for a period prior to the effective date of the act may be adjudicated and placed on the roll and that the benefits of the act shall be applicable to such claims and to those claims now on the rolls. Under this proviso, those now on the rolls and those whose claims are adjudicated and placed on the rolls under this savings provision would receive compensation at the rates provided under laws in effect prior to enactment of the substitute bill for any period prior to the date of approval thereof and the benefits of the proposed legislation thereafter. Claims which may be adjudicated and placed on the rolls under this savings provision include claims based on World War No. 1 service on file in the Veterans' Administration which are pending and which have not been adjudicated prior to date of approval of the substitute bill and claims based on World War No. 1 service filed thereafter within 1 year from date of the veteran's death which occurred prior to the date of approval of the substitute bill and which would otherwise be payable for a period prior to that date, i. e., from the date of death of the veteran. As to all other claims based on World War No. 1 service, section 6 of Public Law 304, Seventy-fifth Congress, and the Veterans Regulations would be controlling and payment would be made from date of the veteran's death if claim is filed within 1 year from date of death, otherwise from date of receipt of application in the Veterans' Administration.

Section 6 of Public Law 484, Seventy-third Congress, as added by section 1 of Public Law 866, Seventy-sixth Congress, October 17, 1940, relates to recovery of overpayments under the provisions of the act and if the substitute bill is adopted this section would remain in full force and effect but there is no provision making it applicable to benefits provided under H. R. 1744.

Under section 9 of Public Law 304, Seventy-fifth Congress, October 16, 1937, and section 1 of Public Law 144, Seventy-eighth Congress, the penal and forfeiture provisions and the administrative, definitive, and regulatory provisions of Public Law 2, Seventy-third Congress, and the Veterans Regulations as amended, are made applicable to benefits provided under Public Law 484, Seventy-third Congress, as amended, but to insure application of such provisions, section 5 of the substitute bill contains the provision that except to the extent they may conflict with the proposed legislation the provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended, and of Public Law 144, Seventy-eighth Congress, July 13, 1943, shall be applicable thereto. It also provides that no compensation or pension shall be reduced or discontinued by the enactment of the proposed legislation. H. R. 1744 contains no such provisions.

Section 6 of the substitute bill would repeal section 4 of Public Law 312, Seventy-eighth Congress, extending the benefits of Public Law 484, Seventy-third Congress, as amended, to widows and children of veterans of World War No. 2, but contains a saving provision as to claims based on World War No. 2 service which have been adjudicated and allowed under such repealed provision prior to the effective date of enactment of the proposed legislation.

#### EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

## EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate executive messages from the President of the United States, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Aloysius J. Connor, of New Hampshire, to be United States district judge for the district of New Hampshire, vice George F. Morris, retired.

By Mr. WALSH of Massachusetts, from the Committee on Naval Affairs:

Capt. Frederick W. McMahon, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff and aide to Commander, Air Force, United States Pacific Fleet; and

Capt. Howard B. Mcclary, United States Navy, retired, to be a commodore in the Navy, on the retired list, for temporary service, to continue while serving as commanding officer, United States naval advance base, Espiritu Santo.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

## THE ARMY—NOMINATIONS PASSED OVER

The legislative clerk proceeded to read sundry nominations in the Army, which nominations had been previously passed over.

Mr. HILL. Mr. President, the Senate Committee on Military Affairs will meet in the morning to consider all Army nominations. In view of that fact, I ask that these nominations be passed over.

The ACTING PRESIDENT pro tempore. Without objection, the Army nominations will be passed over.

## PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

Mr. HILL. I ask that the nominations in the Public Health Service be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the United States Public Health Service are confirmed en bloc.

## POSTMASTER—NOMINATION REPORTED ADVERSELY

The legislative clerk read the nomination of Rachel Elgiva McCracken to be postmaster at Galt, Mo., which had been reported adversely.

The ACTING PRESIDENT pro tempore. The question is: Will the Senate advise and consent to this nomination?

Mr. WHITE. Mr. President, there is on the calendar one unfavorable report on a postmaster nomination. I understood that it was a matter in which the junior Senator from Missouri [Mr. TRUMAN] was interested, and that the request was to be made that the nomination be passed over until his return.

Mr. HILL. Mr. President, let me say to the distinguished Senator from Maine that the Senator from Missouri wishes that the recommendation of the Committee on Post Offices and Post Roads be sustained by the Senate. Unless there is objection—

Mr. WHITE. Mr. President, I shall have to object to the consideration of the nomination at this time.

Mr. HILL. I ask that the nomination be passed over.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be passed over.

## POSTMASTERS—FAVORABLE REPORTS

The legislative clerk proceeded to read sundry nominations of postmasters which had been favorably reported.

Mr. HILL. Mr. President, I ask that the nominations of postmasters which have been favorably reported be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the postmaster nominations favorably reported are confirmed en bloc.

That completes the calendar.

Mr. HILL. I ask that the President be immediately notified of all nominations confirmed today.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

## RECESS

Mr. HILL. I move that the Senate take a recess until 12 o'clock noon, tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, December 5, 1944, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate December 4 (legislative day of November 21), 1944:

## DEPARTMENT OF STATE

Joseph C. Grew, of New Hampshire, to be Under Secretary of State.

Nelson A. Rockefeller, of New York, to be an Assistant Secretary of State.

W. L. Clayton, of Texas, to be an Assistant Secretary of State.

Archibald MacLelish, of Virginia, to be an Assistant Secretary of State.

## DIPLOMATIC AND FOREIGN SERVICE

James Hugh Keeley, Jr., of California, now a Foreign Service officer of class 1 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

William E. DeCourcy, of Texas, now a Foreign Service officer of class 2 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

Hartwell Johnson, of South Carolina, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

Harry M. Donaldson, of Pennsylvania, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

The following-named persons, now Foreign Service officers of class 3 and secretaries in the Diplomatic Service, to be also consuls general of the United States of America:

Albert M. Doyle, of Michigan.

Paul P. Steintorf, of Virginia.

The following-named persons, now Foreign Service officers of class 4 and secretaries in the Diplomatic Service, to be also consuls general of the United States of America:

Lewis Clark, of Alabama.

William M. Gwynn, of California.

Paul C. Squire, of Massachusetts.

James R. Wilkinson, of Wisconsin.

The following-named persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

A. John Cope, Jr., of Utah.

J. Ramon Solana, of North Carolina.

Robert M. Taylor, of Washington, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

## COMPTROLLER OF CUSTOMS

Charles F. Murphy, of Jamaica Plain, Mass., to be comptroller of customs in customs collection district No. 4, with headquarters at Boston, Mass., to fill an existing vacancy.

## COLLECTOR OF CUSTOMS

Victor Russell, of Port Arthur, Tex., to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex. (Reappointment.)

## REGISTER OF LAND OFFICE

Mrs. Grace Gavin Lewis, of Oregon, to be register of the land office at The Dalles, Oreg., vice William F. Jackson, resigned.

## COAST AND GEODETIC SURVEY

The following-named employees of the Coast and Geodetic Survey to the position indicated:

William B. Page to be junior hydrographic and geodetic engineer with rank of lieutenant (junior grade) in the Coast and Geodetic Survey from the 10th day of September 1944.

Norman Porter to be junior hydrographic and geodetic engineer with rank of lieutenant (junior grade) in the Coast and Geodetic Survey from the 1st day of October 1944.

## PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be first lieutenant with rank from December 11, 1944

Second Lt. Kenneth Oswald Due, Quartermaster Corps (temporary captain), subject to examination required by law.

## MEDICAL CORPS

To be majors

Capt. Joseph Sibley Ciriote, Medical Corps (temporary lieutenant colonel), with rank from December 6, 1944.

Capt. Richard Howard Eckhardt, Medical Corps (temporary colonel), with rank from December 10, 1944.

Capt. John Mars Caldwell, Jr., Medical Corps (temporary colonel), with rank from December 10, 1944.

Capt. Charles Parmalee Ward, Medical Corps (temporary colonel), with rank from December 10, 1944.

Capt. Elmer Arthur Lodmell, Medical Corps (temporary lieutenant colonel), with rank from December 10, 1944.

Capt. Lester Paul Veigel, Medical Corps (temporary lieutenant colonel), with rank from December 10, 1944.

Capt. George Lewis Beatty, Medical Corps (temporary lieutenant colonel), with rank from December 10, 1944.

Capt. Harold Irvin Amory, Medical Corps (temporary colonel), with rank from December 10, 1944.

Capt. John Albert Egan, Medical Corps (temporary lieutenant colonel), with rank from December 10, 1944.

Capt. George Gustavo Guiteras, Medical Corps (temporary lieutenant colonel), with rank from December 10, 1944.



Capt. Edgar Louis Olson, Medical Corps (temporary colonel), with rank from December 10, 1944.

Capt. Charles Edwards Spellman, Medical Corps (temporary lieutenant colonel), with rank from December 10, 1944.

Capt. Joe Harrell, Medical Corps (temporary colonel), with rank from December 27, 1944.

#### To be captain

First Lt. Bruce Hardy Bennett, Medical Corps (temporary major), with rank from August 26, 1944.

#### PHARMACY CORPS

##### To be lieutenant colonel

Maj. Edward Martin Wones, Pharmacy Corps (temporary lieutenant colonel), with rank from December 22, 1944.

#### CHAPLAINS

##### To be colonel

Chaplain (Lt. Col.) Willis Timmons Howard, United States Army (temporary colonel), with rank from December 25, 1944.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate December 4 (legislative day of November 21), 1944:

#### UNITED STATES PUBLIC HEALTH SERVICE

##### APPOINTMENTS AND PROMOTIONS IN THE REGULAR CORPS

To be assistant surgeons, effective date of oath of office

Raymond F. Corpe  
Reuben B. Widmer

To be temporary passed assistant surgeons, effective dates indicated

William R. Rosanoff, October 1, 1944.  
David F. Bradley, November 1, 1944.

To be temporary surgeons, effective dates indicated

Waldron M. Sennott, October 1, 1944.  
Edwin N. Hesbacher, November 1, 1944.  
William S. Baum, November 1, 1944.

To be temporary senior surgeons, effective November 1, 1944

John D. Lane, Jr.  
Robert K. Maddock  
Charles R. Mallary

To be sanitary engineer directors, effective dates indicated

Frank R. Shaw, December 18, 1944.  
Howard N. Old, December 15, 1944.

To be dental surgeons, effective dates indicated

Robert H. Moore, November 16, 1944.  
Frank E. Law, December 24, 1944.

To be senior dental surgeons, effective December 1, 1944

Frederick W. Harper  
Pendleton J. Slaughter

#### POSTMASTERS

##### MISSOURI

Everett L. Griffin, Aldrich.  
Clara M. Moore, Avondale.  
Katherine E. Feldmann, Baldwin.  
Nellie Hamilton, Berkeley.  
Edna Walters, Brownington.  
Wade H. Manning, Chula.  
Julia S. Dodge, Commerce.  
James D. Elkins, Dixon.  
Melvin D. Hammons, Dunnegan.  
John S. Vickers, Ewing.  
Mellie E. Coffee, Fairview.  
Chester Alan Platt, Jefferson City.  
Josephine B. Diggs, Jonesburg.  
Myron G. Mann, Kidder.  
Alice F. Paddock, Kingsville.  
Garnet Chappell, Louisiana.  
Mabel E. Trosper, Ludlow.  
Juanita R. Gross, Maryland Heights.

Jesse H. Letton, Mindenmines.  
Otis C. Mackey, Morrisville.  
Samantha Wilkinson, Patterson.  
Paul J. Casey, Potosi.  
Frank B. Miller, Queen City.  
Thomas S. Clayton, Raymondville.  
Earl A. Blakely, Revere.  
John T. Harrison, Stark City.  
Nadine Smith, Tina.  
Edward Francis Gorman, Jr., Wentworth.  
Allien B. Alderson, Wyatt.

#### NEW MEXICO

Jesse L. Truett, Artesia.  
John D. Lane, Lake Arthur.  
Biddie N. Harrelson, Mesilla Park.  
Demetrio P. Roybal, Pecos.  
Ruth Dorbandt Ware, Rincon.

#### NEW YORK

Alexander R. Knowlton, Rexford.

#### OKLAHOMA

Albert W. Shook, South Coffeyville.

#### OREGON

Beatrice I. Scoggins, Arlington.  
Virgie R. Bradley, Aumsville.  
Walter P. Petersen, Lapine.  
James R. Sandford, North Plains.  
Lorena Lane Bounds, Ordance.  
Mary E. Grieve, Prospect.  
Veva I. Hendricks, Seneca.

#### SOUTH CAROLINA

Robert R. Du Rant, Jr., Manning.  
Jackson L. Flake, Swansea.  
Katherine M. Ward, Wampee.

## HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 4, 1944

The House met at 12 o'clock noon.  
The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Come, Holy Spirit, Heavenly Dove; lift us above all strife and give us Thy peace within. We pray that we may not be victims of paralyzing fear and awkwardness; in Thy light may we see light, and in Thy love may we breathe hope. Infuse our spirits with sound wisdom to meet the emergencies which may confront us with mental and spiritual firmness which signify the secret of strength and courage.

O peace of God, mighty as the power which hides in the birth of the morning, come and dwell among the nations lest they be severed and destroyed. Grant that our citizens may understand fully that the healthiest life for our Republic is the life of service. Persuade us that if we are to preserve our own spiritual growth we must bring vigor and grace to others. In integrity of soul, in calmness of a conquering faith, help us to sacrifice and labor on until the light of peace breaks from the eternal hills. Help us to lift up the feeble hands that hang down and strengthen the tottering feet which are going the way of this scarred earth. Deliver our hearts from the bonds of selfishness and enable us to yield ourselves to the Son of Man who inscribes on His mind and heart the names of His children everywhere. In Thy holy name. Amen.

The Journal of the proceedings of Friday, December 1, 1944, was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 56. Joint resolution authorizing the acceptance of a bust of Hon. Cordell Hull, former Secretary of State.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 3732) entitled "An act to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. CHANDLER, and Mr. DANAHY to be the conferees on the part of the Senate.

#### RESIGNATION OF MEMBER

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D. C.,  
December 3, 1944.

Speaker SAM RAYBURN,  
House of Representatives,  
Washington, D. C.

DEAR SPEAKER RAYBURN: I have transmitted to the Governor of Tennessee my resignation as a Member of the Seventy-eighth Congress, effective Monday, December 4. This action will not affect my membership in the Seventy-ninth Congress to which I have been duly elected and in which I expect to serve.

A copy of my letter to Governor Cooper is attached hereto.

Sincerely yours,

ALBERT GORE,  
Member of Congress.

#### ACCEPTANCE OF BUST OF HON. CORDELL HULL

The SPEAKER. The Chair recognizes the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, on behalf of the entire Tennessee delegation in the House of Representatives, I ask unanimous consent to take from the Speaker's desk Senate Concurrent Resolution 56 for immediate consideration.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the Joint Committee on the Library is hereby authorized and directed to accept, on behalf of the Congress of the United States, a bust of Hon. Cordell Hull, Secretary of State, formerly a Member of the House of Representatives and of the United States Senate from the State of Tennessee, presented by the Cumberland (Md.) Evening and Sunday Times, and to cause such bust, executed by George Conlon, sculptor, to be placed in a suitable location in the United States Capitol.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### REPORT OF BOARD OF VISITORS TO THE UNITED STATES MERCHANT MARINE ACADEMY

Mr. BLAND. Mr. Speaker, I ask unanimous consent to file for printing in the

RECORD at this point the report of the Board of Visitors to the United States Merchant Marine Academy, Kings Point, N. Y., consisting of Members of the Senate and House. The meeting was held September 30, 1944.

**THE SPEAKER.** Is there objection to the request of the gentleman from Virginia?

There was no objection.

The document referred to follows:

**REPORT OF THE BOARD OF VISITORS TO THE UNITED STATES MERCHANT MARINE ACADEMY, KINGS POINT, N. Y., SEPTEMBER 30, 1944**

**THE PRESIDENT OF THE SENATE.**

**THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.**

**GENTLEMEN:** Pursuant to Public Law 301, Seventy-eighth Congress, chapter 194, second session, approved May 11, 1944, the following Senators and Members of the House of Representatives were designated to constitute the 1944 Board of Visitors to the United States Merchant Marine Academy:

**SENATORS**

By Committee on Commerce: **JOSIAH W. BAILEY**, of North Carolina (ex officio); **GEORGE L. RADCLIFFE**, of Maryland; **HAROLD H. BURTON**, of Ohio.

By the Vice President: **JAMES M. TUNNELL**, of Delaware.

**MEMBERS OF THE HOUSE OF REPRESENTATIVES**

By the Merchant Marine and Fisheries Committee: **SCHUYLER O. BLAND**, First Congressional District of Virginia (ex officio); **EDWARD J. HART**, Fourteenth Congressional District of New Jersey; **ROBERT RAMSPECK**, Fifth Congressional District of Georgia; **RICHARD J. WELCH**, Fifth Congressional District of California.

By the Speaker of the House: **EUGENE J. KEOGH**, Ninth Congressional District of New York; **GORDON CANFIELD**, Eighth Congressional District of New Jersey; Representative **DANIEL ELLISON**, Fourth Congressional District of Maryland, was later appointed in place of Mr. **RICHARD J. WELCH**, of California, who was unable to attend.

The Board of Visitors to the United States Merchant Marine Academy assembled at Wiley Hall at 10 a. m., Friday, September 29, 1944, where the members were received by the Superintendent of the Merchant Marine Academy, Capt. Giles C. Stedman, United States Naval Reserve, and his staff.

The following members of the Board were present at the first and later meetings: Senator **GEORGE L. RADCLIFFE**, Senator **HAROLD H. BURTON**, Representative **SCHUYLER O. BLAND**, Representative **ROBERT RAMSPECK**, Representative **EUGENE J. KEOGH**, Representative **GORDON CANFIELD**, and Representative **DANIEL ELLISON**.

**FIRST MEETING OF THE BOARD OF VISITORS**

After being conducted to the conference room, Representative **SCHUYLER O. BLAND** took the chair as temporary chairman for the purpose of organization.

The Board elected Representative **SCHUYLER O. BLAND** as chairman, and designated Lt. Comdr. William W. MacKenzie, United States Naval Reserve, as secretary, and Lt. Comdr. William L. Bull, United States Maritime Service, as assistant secretary.

When, at the request of the chairman, the Superintendent and his staff joined the Board in conference, the Superintendent was invited to make such reports on the state of the academy as he deemed pertinent and proper to bring to the Board's attention. In response to this invitation, the Superintendent, Capt. Giles C. Stedman, United States Naval Reserve, presented the following report:

"Gentlemen, it is a pleasure to welcome the first Congressional Board of Visitors to the United States Merchant Marine Academy.

"The entire academy personnel is sincerely gratified by this visit, and appreciates the important function of your board in better enabling us to accomplish the mission of this national institution.

"We are well aware that the performance of this additional duty during these arduous days calls for considerable sacrifice for each of you. But we firmly believe that this generous donation of your time and effort will be compensated for by the realization that you will have rendered a valuable service to the academy and to the Nation's growing maritime strength.

**"Part I. Introduction to background and establishment of cadet corps**

"The passage by the Congress of the Merchant Marine Act of 1936, as amended, gave distinct impetus to the Federal training of officers for the United States merchant marine by providing for the establishment of the United States Merchant Marine Cadet Corps.

"The United States Merchant Marine Cadet Corps was officially organized by the United States Maritime Commission, in the spring of 1938. In order to prepare a comprehensive training program an exhaustive study was first made of all foreign systems of merchant marine officer training. For many years England, Italy, Germany, Japan, Holland, Norway, Sweden, France, and Denmark had well-established training programs. Accordingly, a comprehensive analysis was made of the best points of each system of training. With this background, and with the assistance of the keenest minds among American shipping officials and merchant marine officers, the Maritime Commission inaugurated and developed the United States Merchant Marine Cadet Corps, the Nation's first Federal system for training officers for the merchant marine.

"The cadet corps had its inception when the 99 cadets who were aboard Government-owned or subsidized vessels were placed under the direct supervision of the Maritime Commission on March 15, 1938. Early in 1939, national competitive examinations for the appointment to cadetships were inaugurated, and for the first time in the history of this Nation an opportunity was presented to qualified young Americans of every State in the Union to receive training for a career in the United States merchant marine.

"Lacking its own facilities ashore, the newly established cadet corps necessarily had to share the quarters of certain other training institutions, such as the Admiral Billard Academy at New London, the New York State Maritime Academy at Fort Schuyler, N. Y., the United States navy yard at Algiers, La., and a United States Navy base in San Francisco. Although at that early date the total complement of the cadet corps was low, the course of study was comprehensive, based on a 4-year curriculum.

"The growing international tension and subsequently declaration of war suspended the 4-year course, and compelled the adoption of a shortened period of training. Concurrent with the increasing strength of the cadet corps, two basic schools were established, one at San Mateo, Calif., the other at Pass Christian, Miss. By the end of 1941, the rapidly increasing strength of the cadet corps made clear the urgent need for the establishment of an adequate academy on the Atlantic coast to furnish both basic and advanced training. Accordingly, thorough investigation was made to locate a suitable site for the new academy. Final selection indicated that the Walter P. Chrysler estate of 11 acres, at Kings Point, N. Y., was the most appropriate location, and in December 1941, its purchase for \$100,000 was consummated by the United States Maritime Commission. Plans were at once developed to adopt this estate for use in building the first Federal Merchant Marine

Academy which would furnish officer training to the young men of all States.

**"Part II. Planning, establishment, and construction of United States Merchant Marine Academy**

"The newly acquired Chrysler property and residence were occupied early in 1942, and instructional activity was commenced. At the same time, broad plans were developed at the United States Merchant Marine Cadet Corps headquarters in Washington for the final design of the academy. Architects, cadet corps officials, prominent merchant marine officers, and educators jointly contributed to the preparation of the over-all plans. The design was based on a peacetime complement of 1,200 cadet-midshipmen, although it was then fully realized that during the war it would be necessary to operate with at least double that figure. Final design having been established a unique problem presented itself owing to the need of continuing all training activity at the same time that the builders proceeded with construction of the new buildings. Further, the enrollment was constantly increasing, and to accommodate the cadet-midshipmen it was necessary not only to occupy fully all existing buildings on the grounds, but temporary C. C. C. barracks as well, erected for the purpose. Owing to the critical shortage of steel, reinforced concrete was used for the basic construction of the new buildings. Record progress was made in the entire constructional program.

"At the termination of the construction period of approximately 15 months the academy was substantially complete and accordingly was officially dedicated on September 30, 1943. At this date the academy had entered upon its full-scale instructional program. The cadet corps at that time had a total strength of 7,514 cadet-midshipmen, of whom 1,094 were undergoing basic training at the academy and the two basic schools on the Pacific and Gulf coasts; 2,200 were undergoing advanced training at the academy, and the remainder, some 4,220, were in an intermediate period of training at sea aboard numerous merchant vessels voyaging to all parts of the world.

**"Part III. Broad review of cadet corps academic curriculum**

"The course of training prescribed for the past 2½ years has been one of 18 months' duration, consisting of 3 months at basic school, followed by at least 6 months aboard ships, and 9 months advanced courses at the academy. Effective October 1, 1944, the course will be extended to 2 years.

"The method of instructing cadet-midshipmen is unusual, because of the provision whereby each cadet-midshipman must serve at sea aboard merchant vessels as a part of his training. Consequently, during existing war conditions, all cadet-midshipmen assigned to the academy for advanced courses are veterans with service in combat zones.

"At the very beginning of the cadet corps system of training it was found necessary, because of the movement of merchant vessels, to have new sections of 25 cadet-midshipmen commence their basic and advanced academic schedules at weekly intervals. Graduations take place at semimonthly intervals, thus keeping a constant supply of graduates available for sea duty.

"It is, of course, recognized that before newly appointed cadet-midshipmen are ready for assignment to training at sea, a basic course ashore is essential. Hence, the present basic training, of 4 months' duration, has a two-fold purpose. First, to prepare cadet-midshipmen to be useful when they join a vessel for sea training, and take care of themselves and others in event of enemy action or accident, and second, to present a rudimentary outline of the chief subjects upon which to build future training. With cadet-midshipmen undergoing



sea training aboard so many varied merchant vessels, centralized control is difficult. Accordingly a novel method of supervising their study is in force. District cadet-midshipmen supervisors and instructors are stationed in New York, Baltimore, New Orleans, the Canal Zone, Los Angeles, San Francisco, and Seattle. These officers visit vessels which are in port, and not only check progress made by cadet-midshipmen but also assist them with studies. In addition, the cadet corps has developed a guided plan of self-study for the cadet-midshipman at sea, called a sea project. This sea project outlines for the cadet-midshipman the essential points of importance on board his ship, to which attention must be directed during his study. This comprehensive manual has been so designed that for all cadet-midshipmen undergoing deck training, only two individual types of projects are necessary: one for cargo ships, and one for tankers. For cadet-midshipmen in engineering training, two projects suffice—one for steam, and one for Diesel vessels. Cadet-midshipmen are at sea for an over-all period of 6 to 9 months, depending on duration of voyages. During this time they make sketches, prepare drawings, and write answers to hundreds of questions. These questions pertain to the construction, equipment, operation of their vessels, and other professional subjects. Upon termination of their sea training, cadet-midshipmen must have their projects completed. They then report to district supervisors for assignment to the academy.

"To summarize academic training at Kings Point, the course now consists of 36 weeks' advanced work, and will be expanded to 52 weeks on October 1, 1944. Deck and engine cadet-midshipmen take separate courses of study, although both study naval science and shipping economics. The chief subjects studied by deck cadet-midshipmen include navigation, seamanship and cargo, ship construction, mechanical drawing, and meteorology. Engineer cadet-midshipmen have as major courses the study of steam engineering, Diesel engineering, refrigeration, electrical engineering, ship construction, and engineering drawing.

"Teaching is chiefly done by the lecture-demonstration method. Lectures are supplemented by pertinent laboratory and practical work. Extensive use is made of educational motion pictures, slide films, charts, models, specimens of equipment, and other visual aids.

"Instructors are guided uniformly throughout their respective courses by lesson plans developed by officers of the cadet corps. These lesson plans show detailed content of each lesson, and when used in conjunction with an instructor's guidebook, insure that all courses are taught in accordance with a standard plan.

"Academic control is exercised chiefly by an academic board, which maintains high scholastic standards, and an effective method of detecting cadet-midshipmen who are unable to measure up to the high standard required by the Merchant Marine Cadet Corps.

"While cadet-midshipmen pursue a rigorous course of study, there are extensive provisions made for extracurricular and recreational activities. An extensive athletic program is under way, using all available facilities for the physical conditioning and recreation of cadet-midshipmen. The academy also possesses an auditorium, recreation rooms, and a library which contains a collection of books on appropriate technical and general subjects.

"At the completion of courses, graduates are examined for their original merchant-marine licenses as third mates, or third assistant engineers, for service in any ship in the United States merchant marine. Graduates also receive diplomas and commissions as ensigns in the United States Naval Reserve and United States maritime service. About 5,000 have graduated from the cadet corps and its

academy since 1938. Of this number 30 percent, or about 1,500, are on active duty as officers in the Navy; the remaining 3,500 are serving as officers in merchant vessels.

#### "Part IV. Grounds, buildings, and equipment

"The academy, now totaling 60 acres, is situated at Kings Point, Long Island, N. Y. New construction completed since acquisition of the Chrysler estate includes buildings suitable for their respective purposes which are all named in honor of persons who were prominent in the history of the merchant marine. Major buildings include seven dormitories for cadet-midshipmen, a large mess hall, a drill hall, a hospital, and academic buildings for deck and engine training. These are supplemented by necessary service buildings.

"The success of a training program depends to a certain degree on available instructional equipment. The academy is fortunate in having secured a great deal of marine equipment from the Navy and from the United States Maritime Commission. For deck training, navigational instruments and aids are available, including a most up-to-date Sperry gyrocompass laboratory. A full-sized set of ship's cargo masts, winches, and booms is installed near the water front for practical instruction in cargo handling. Instruction in seamanship is supplemented by numerous small boats and latest designs of lifeboat davits and life rafts. There are also based at the academy, sail-, steam-, and Diesel-propelled training vessels, in which cadet midshipmen make short cruises as part of their practical training. Engineering laboratory equipment includes a marine steam power plant which generates steam from two marine boilers. This steam is used for heating the entire academy, as well as for operating instructional equipment. A varied selection of steam engines, pumps, and auxiliaries, as well as Diesel engines, electrical equipment, and shop tools is available for actual operation and practical training. The department of naval science has not only a wide variety of representative guns, loading machines, specimen mines, and paravanes, but also has numerous instructional models and aids for classroom use.

#### "Part V. Operation of academy

"The United States Merchant Marine Cadet Corps is a division of the training organization of the War Shipping Administration. This organization has jurisdiction over the training of officers and seamen for the duration of the war. The cadet corps operates under the direction of a supervisor whose office and staff are located in Washington, D. C. The academy, the largest unit of the United States Merchant Marine Cadet Corps, is headed by a superintendent. Next in the chain of command is the commandant of cadet midshipmen, assisted by the executive and administrative officers, and the secretary of the academic board, who supervise all academic and service departments necessary to the operation of the academy.

"The academy at Kings Point and the cadet basic schools at San Mateo and Pass Christian are operated on a military basis, with discipline on the same plane as that at other service academies. Cadet-midshipmen of the cadet corps are appointed midshipmen in the United States Naval Reserve, in an inactive status. Officers and instructors are assigned to cadet corps units jointly by the United States Maritime Service and the United States Navy. The Navy has been most cooperative in every respect in assisting in the operation of the academy and other cadet corps units.

"More than 90 percent of our instructors are merchant marine officers, approximately one-half of whom are on active duty as members of the United States Naval Reserve. They have been assigned to the academy by the Navy Department. The remainder are

commissioned officers of the United States Maritime Service. Our subordinate administrative complement consists of enlisted personnel of the United States Maritime Service and civil-service employees.

#### "Part VI. Accomplishments and aims

"Thus the establishment and growth of the United States Merchant Marine Academy has been outlined. Built at a cost of \$7,300,000, less than the cost of a single modern destroyer, there now exists the first Federal academy for training merchant marine officers, operating on a parallel with the Naval Academy, Military Academy, and Coast Guard Academy for the equally important American merchant marine.

"The cadet corps as of this date has already graduated 5,000 officers, many of whom have since risen to positions of master and chief engineer aboard vessels of the United States merchant marine. Of growing importance, however, is the post-war function of the cadet corps and its academy. It is expected that graduates, having been trained under the highest possible standards, will take the initiative in safeguarding the interests and well-being of the United States merchant marine in years to come, and thus play a key role in the national welfare.

"Highly desirable is the prompt return to a 4-year course, consisting of 9 months' basic training, 12 to 15 months aboard ships, and 2 years advanced study at the academy. Also highly desirable is the return to national competitive examinations for appointment as cadet-midshipmen in the United States Merchant Marine Cadet Corps.

"It may be of interest to note here that the 5½-year-merchant marine officer training course of Russia was reduced to only 4½ years during the existing war. In the opinion of not a few interested in the future of the American merchant marine, the reduction of the cadet corps' 4-year course to 1½ years was indeed drastic, and action to return to 4 years should be taken at the earliest practicable date.

#### "Conclusion

"In conclusion, may I again assure you that you are most welcome. I thank you for your kind interest and attention. The entire staff of the United States Merchant Marine Academy offers you its full cooperation, and stands ready to assist you in every way possible during your visit."

Upon the conclusion of this report the chairman threw the meeting open to questions by members of the Board, some of whom were not familiar with the organization of the United States Merchant Marine Cadet Corps and Academy. Their questions were answered by the superintendent and his staff.

At this time, Capt. James Harvey Tomb, United States Navy (retired), the first Superintendent of the United States Merchant Marine Academy, was presented to the Board.

In order to thoroughly acquaint the members of the Board with the academic program of the academy, each member was given a folio containing the following enclosures, the purpose of each being briefly outlined by Commander Harold V. Nerney, United States Naval Reserve, executive officer of the academy:

1. Information booklet of the United States Merchant Marine Cadet Corps.
2. Information booklet for ship's officers and shore officials of steamship companies.
3. Regulations and instructions of the United States Merchant Marine Cadet Corps.
4. (a) Registration as of September 1, 1944, showing distribution and quota by States.  
(b) Home States of cadet-midshipmen in training as of September 1, 1944.
- (c) Typical daily "strength" report of the United States Merchant Marine Academy.
5. (a) United States Merchant Marine Cadet Corps roster of officers, September 1, 1944.

(b) Organization chart of the United States Merchant Marine Academy.

(c) Directory of officers of the United States Merchant Marine Academy, September 1, 1944.

6. (a) Academic curriculum of the United States Merchant Marine Academy.

(b) Outline of courses for preliminary cadet-midshipman (deck), and a typical class schedule.

(c) Outline of courses for preliminary cadet-midshipmen (engine), and a typical class schedule.

(d) Outline of courses for advanced cadet-midshipmen (deck), and a typical class schedule.

(e) Outline of courses for advanced cadet-midshipmen (engine), and a typical class schedule.

7. Typical academic schedule for the week.

8. Typical plan of the week.

9. Album of pictures of the United States Merchant Marine Academy and cadet-midshipmen activities.

10. Guide book for instructors of the United States Merchant Marine Academy.

11. Typical instructors' manuals.

(a) Instructor's manual in navigation for preliminary cadet-midshipmen (deck).

(b) Instructor's manual in steam engineering for preliminary cadet-midshipmen (engine).

12. Tanker supplement to the sea project for cadet-midshipmen (deck).

The superintendent invited the chairman to designate a member of the Board to deliver a brief address to the regiment of cadet-midshipmen immediately before the review at 4:05 p. m. Senator GEORGE L. RADCLIFFE was selected to make this address.

The regimental commander, Cadet-Midshipman William C. Gibson, United States Merchant Marine Cadet Corps, was then presented to the chairman and the members of the Board. After being presented, he invited the members of the Board to luncheon with the regiment at Delano Hall.

Just before the meeting adjourned at 11:30 a. m., the chairman informed the Board of the regrets expressed by the following members of the Board for the inability to be present due to unforeseen circumstances: Senator JOSIAH W. BAILEY, Senator JAMES M. TUNNELL, Representative EDWARD J. HART.

#### *Meeting with the regiment of cadet-midshipmen*

At 12:30 p. m. the Board was conducted to Delano Hall by the cadet-midshipmen regimental commander and his staff for luncheon with the regiment. There were no commissioned officers present. After luncheon each member of the Board was introduced to eight cadet-midshipmen from his home State and held a 20-minute conference with them.

#### *Tour of the academy*

Their officer escorts having been presented to them, the members of the Board proceeded on a conducted tour of the academy. Among the various buildings and activities inspected were: Barry Hall, typical cadet-midshipmen's quarters; O'Hara Hall, naval science classrooms, drill hall, pistol range, gun room, and ordnance equipment; Bowditch Hall, academy library, classrooms, radio code room, chart room, mechanical drawing room, radio laboratory, gyro laboratory, meteorology equipment, bridges, and the auditorium; Fulton Hall, classrooms, electrical laboratory, machine shop, Diesel laboratory, welding school, forge shop, and steam laboratory; Samuels Hall, sail loft, practical seamanship room, lifeboat and fire-fighting classrooms, and signaling rooms (where a brief class in mersigs was held).

Proceeding then along the water front the Board viewed the cargo mast unit, Lyle gun and breeches buoy unit, and observed the harbor facilities and training vessels.

Upon completion of this tour, the Board proceeded to Kendrick Field and witnessed

the review of the regiment of cadet-midshipmen.

The Board reassembled at the senior officers' mess at 4:45 p. m. for an informal discussion which terminated at 5:30 p. m.

#### *Superintendent's reception and dinner*

At 6:30 p. m. the Superintendent held a reception and dinner for all members of the Board. In addition to the members of the Board there were present Capt. J. H. Tomb, United States Navy (retired), five officers from the headquarters of the United States Merchant Marine Cadet Corps, and 20 officers of the academy staff.

After the dinner a film depicting the activities of the entire United States Merchant Marine Cadet Corps was shown, accompanied by a running commentary given by Commander H. V. Nerney, United States Naval Reserve.

The Board adjourned for the day at 10:40 p. m.

#### *Saturday, September 30, 1944*

The members of the Board reassembled at 8:30 a. m. and were conducted by their officer escorts on a tour of Patton Hospital, visiting the dispensary, dental rooms and laboratories, wards, operating rooms, and diet kitchen.

#### *SECOND MEETING OF THE BOARD OF VISITORS*

The members of the Board were taken aboard the training vessel *William Webb* for an inspection of the water front.

At 9:30 a. m. the Board assembled in the wardroom of the training vessel *William Webb* for its final meeting, adjourning at 10:30 a. m.

Upon adjournment the members of the Board proceeded to Kendrick Field to witness a formal review of the regiment of cadet-midshipmen.

Following the review, the members of the Board attended a buffet luncheon in O'Hara Hall with the Superintendent and senior officers of the academy and prominent invited guests from the maritime industry in celebration of the first anniversary of the dedication of the United States Merchant Marine Academy.

The members of the Board departed from the academy at their pleasure upon the conclusion of the luncheon.

#### *Comments and recommendations*

As a result of the inspections made and the interviews held with members of the Merchant Marine Academy staff and cadet-midshipmen of the regiment, the Board of Visitors respectfully submits the following comments and recommendations:

1. The Board recognizes the necessity of maintaining a permanent United States Merchant Marine Academy. This academy will be an important factor in the development of a sound merchant-marine policy for the country. The maintenance of an adequate merchant marine of high standards depends upon the availability of qualified officers as well as upon the existence of the best ships and favorable economic conditions. It is imperative that the indispensable service to the Nation which the United States Merchant Marine Academy has been rendering in maintaining a steady supply of well-trained officers for the merchant marine and the Navy shall be continued in the immediate post-war days and for all years to come.

2. Although the present plant and facilities of the academy are of a permanent nature and have been developed in accordance with well-conceived plans, the Board feels that early and careful consideration should be given to the expansion of both grounds and buildings to the end that a complete and fully integrated educational institution may be established at the earliest moment. Study should be made of the evident need for officers' quarters in a permanent academy. Enlargements of both grounds and facilities should be based on

the requirements of the future permanent cadet-midshipmen complement of 1,200.

3. The Board is of the unanimous opinion that a full 4-year course is needed for this profession and recommends the return to the 4-year course as soon as practicable. Opportunity should be given to the graduates of the present shortened course to pursue post-graduate work upon resumption of the full course in order that they may have competence and knowledge in their profession equal to the graduates of the 4-year course.

4. The Board recognizes the need, during the national emergency, of keeping the Cadet Corps at a maximum strength without regard to national competitive examinations, provided the applicants meet the educational qualifications required. However, as a permanent national institution, it is necessary that equal opportunities for entrance be offered to the population of all parts of the country. Such equality may be attained by the assignment of quotas to each State and the requirement of passing a competitive examination by all applicants, subject to the additional qualifications of high moral character, perfect physical condition, and aptitude for the profession.

5. The Board recommends that means be provided for the academy to keep fully abreast of all modern marine inventions and equipment. As an example, one member of the Board learned, while overseas this summer, that the British were planning to place radar equipment on the vessels of their merchant fleet. It is hoped that it will be possible for the United States Navy to cooperate with our merchant marine in a free exchange of contemporary developments in maritime, naval, and scientific fields.

6. The Board believes that there is a lack of proper publicity for the academy. The members have been surprised and pleased, even as members of a congressional committee having to do with merchant marine legislation, at the outstanding establishment found at Kings Point. Ways and means should be found by which the true story of the United States Merchant Marine Cadet Corps and Academy can be brought to public attention. The Board will aid in every way to accomplish this.

7. It is the recommendation of this Board that the next Board of Visitors of the academy visit and study conditions at the academy at an early date in the year, so that they can have ample opportunity to give due consideration to questions of permanent policy and thus make a more substantial contribution to the welfare of the Merchant Marine Academy.

8. The Board recognizes that a great majority of the cadet-midshipmen who are now in training have seen service with the merchant marine in combat zones; they feel that this is a strenuous education for these men in itself, and produces the best kind of officer material for the future. The Board recommends that consideration be given to the general status of merchant marine officers as veterans of this war. A distinction must be made between their status and the status of members of the military and naval services during the war, yet certainly these men deserve regard as veterans of war service and should be given a fair opportunity to establish themselves in their profession. Any study of the situation must consider their special qualifications and their special needs.

#### *CONCLUSION*

In conclusion the members of the Board wish to congratulate the superintendent, the officers, and the cadet-midshipmen of the United States Merchant Marine Cadet Corps and Academy for the splendid work being done. The Board was deeply impressed by the spirit and morale of officers and cadet-midshipmen, as well as by the institution—the latter so splendidly arranged and most effectively operated with an administrative



and educational personnel of the highest character and efficiency.

The Board wishes to thank the superintendent, their escorts, and every officer for the courtesy and hospitality extended to the members during their visit.

To Lt. Comdr. William W. MacKenzie, United States Naval Reserve, secretary to the Board of Visitors, the Board expresses its sincere appreciation for his ceaseless efforts in its behalf, and for his invaluable assistance and cooperation.

Respectfully submitted.

Schuyler Otis Bland, Gordon Canfield, Eugene J. Keogh, Edward J. Hart, James M. Tunnell, Josiah W. Bailey, Harold H. Burton, George L. Radcliffe, Robert Ramspeck, Daniel Ellison; W. W. MacKenzie, lieutenant commander, United States Naval Reserve, secretary of the Board of Visitors.

#### SUSPENSION OF TARIFF DUTY ON COCONUTS AND COCONUT MEATS

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1033) to suspend the effectiveness during the existing national emergency of the tariff duty on coconuts, and for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this legislation?

Mr. PETERSON of Florida. Mr. Speaker, this bill was introduced in the House by the gentleman from Connecticut [Mr. TALBOT], and it has the unanimous report of the committee. It was considered by the committee very carefully and suspends the tariff on fresh coconuts during the national emergency. These coconuts are used for pastry, for sale as fresh coconuts, and in candies only. It has a favorable report from the War Department, the Navy Department, the Treasury Department, and all Government departments.

Mr. MARTIN of Massachusetts. Is this a renewal of a previous suspension?

Mr. PETERSON of Florida. It is a suspension of the tariff on fresh coconuts. The tariff on coconut oil has been suspended before, but we overlooked the fresh coconuts.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That no duty shall be levied, collected, or payable under the Tariff Act of 1930, as amended, with respect to coconuts or coconut meat imported during the period beginning with the day following the date of enactment of this act and ending with the termination of the unlimited national emergency proclaimed by the President on May 27, 1941.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That no duty shall be levied, collected, or payable under the Tariff Act of 1930, as amended, with respect to coconuts or coconut meat provided for in paragraph 758 of that act, entered, or withdrawn from warehouse, for consumption,

during the period beginning with the day following the date of enactment of this act and ending with the termination of the unlimited national emergency proclaimed by the President on May 27, 1941."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two instances; in one to include a statement made by the Honorable Marvin Jones, War Food Administrator, before the cotton conference in the Senate Office Building this morning, and in the other, a statement by the Honorable Claude R. Wickard, Secretary of Agriculture, before that same body.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address delivered by Hon. Mortimer R. Proctor, Governor-elect of the State of Vermont.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

#### PERMISSION TO SIT DURING SESSIONS OF THE HOUSE

Mr. MUNDT. Mr. Speaker, I ask unanimous consent that the Select Committee to Investigate the Indian Conditions of America be permitted to sit today during the session of the House, and any other times it may be required to do so during the week.

The SPEAKER. The Chair cannot entertain that request. The policy has been adopted that that consent is not granted to committees while bills are being read for amendment in the House.

#### EXTENSION OF REMARKS

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article entitled "Legislative Program of President Hoover."

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a resolution adopted by the Farm Bureau of Nebraska.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a radio address delivered by me yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a brief newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. McCORMACK. Mr. Speaker, I am informed that the Resident Commissioner of the Philippines, Brigadier General ROMULO, will be in the United States within a few days, and I have been requested to obtain consent for him to address the House on December 7. Consequently, Mr. Speaker, I ask unanimous consent that the Resident Commissioner of the Philippines be permitted to address the House on Thursday, December 7, for 20 minutes before the legislative program of the day, and that this request not be considered as a precedent by the Members. In view of the fact that the distinguished Resident Commissioner of the Philippines has just returned from Leyte, and will have an important message from the front lines on the liberation of the Philippines, I ask that this request be granted.

The SPEAKER. The Chair believes that under the circumstances a request like that should be entertained. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include two news items relating to Dr. Joseph L. Thorning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### THE CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

#### TO EXPEDITE THE PAYMENT FOR LAND ACQUIRED DURING THE WAR PERIOD

The Clerk called the bill (S. 919) to expedite the payment for land acquired during the war period.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, in view of the fact that a rule has been granted on this bill for consideration later in the week, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### REGULATIONS OF FERTILIZERS, FEEDS, AND NURSERY STOCK

The Clerk called the bill (H. R. 3405) making certain regulations with reference to fertilizers, feeds, and nursery stock, or seeds that may be distributed by agencies of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### TO AMEND PUBLIC LAW 537

The Clerk called the bill (H. R. 2908) to amend Public Law 537, Seventy-seventh Congress, approved May 2, 1942.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### WAR SHIPPING FIELD SERVICE

The Clerk called House Joint Resolution 182, to create the War Shipping Field Service.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### FOREIGN SERVICE BUILDINGS AND GROUNDS

The Clerk called the bill (H. R. 4282) to amend the act entitled "An act for the acquisition of buildings and grounds in foreign countries for use of the Government of the United States of America," approved May 7, 1926, as amended, to permit of the sale of buildings and grounds and the utilization of proceeds of such sale in the Government interest.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, as I understand, the effect of this bill is to authorize the State Department to sell any American properties in foreign lands and use the proceeds of the sale of those properties for the acquisition of other properties to be used by the State Department. Ever since the bill has been on the Consent Calendar I have asked that it be passed over because of the objection that has been raised by the members of the Appropriations Subcommittee for the State Department that if adopted this bill would permit the State Department to circumvent the Congress in appropriating funds with which to purchase embassy and legation properties in foreign countries. I understand the State Department is very anxious for the bill to be adopted. As far as I am personally concerned, I have no objection to it if the members of the Committee on Appropriations do not. I have discussed the matter with the chairman of the Committee on Foreign Affairs, who advises me that my understanding of the bill is incorrect. If so, and if it is true that even though the bill is adopted, the Committee on Foreign Affairs would have to be asked for permission to expend any of these moneys for properties in foreign lands before that could

be done. Then the Congress would retain control of disbursement of the fund. I should like to hear from the gentleman from New York on the proposition.

Mr. BLOOM. The Foreign Service Buildings Commission always has jurisdiction over this money. That Commission consists of the chairman and the ranking Republican member of the Senate Committee on Foreign Relations, the chairman and the ranking Republican member of the House Committee on Foreign Affairs, the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. They always have jurisdiction over that and must get a complete vote.

The chairman of the House Committee on Foreign Affairs is now the chairman of this Commission. Nothing can go through and no money can be expended unless the entire Foreign Service Buildings Commission approves of it.

May I also state that this is an emergency, because throughout the world we have embassies, legations, and consular offices in very bad locations and cannot dispose of them unless we have the assurance that we are going to get the money to buy other locations. If this legislation would go through at this time it would save the Government many, many thousands of dollars.

Mr. COLE of New York. The gentleman agrees that neither the House Committee on Appropriations nor the House Committee on Foreign Affairs would have anything to say as to how this money could be spent?

Mr. BLOOM. As soon as the location is selected, the matter must come before the Committee on Foreign Relations and the Committee on Foreign Affairs before the chairmen and ranking members of those committees agree to it. They cannot spend a dollar unless we approve of it.

Mr. COLE of New York. Does the gentleman advise the House, then, that the Foreign Service Buildings Commission cannot spend any of this money until after it has cleared that expenditure with the House Committee on Foreign Affairs?

Mr. BLOOM. And the Senate Committee on Foreign Relations as well; both of them.

Mr. COLE of New York. I am speaking of the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Mr. BLOOM. Yes; that is absolutely correct.

Mr. COLE of New York. So that the Congress does then retain some control over how this money shall be spent?

Mr. BLOOM. We retain jurisdiction over all of the moneys that are expended, not only on the land but on the buildings.

Mr. COLE of New York. This bill does circumvent the Committee on Appropriations, however; in other words, heretofore has it been necessary for that committee to appropriate money for the acquisition of embassies in foreign lands?

Mr. BLOOM. Under existing law we are allowed to exchange property. If we have a piece of property that we want to get rid of and you have a piece of property that you want to exchange

for that, we are allowed to make that exchange. But we cannot always find someone who has a piece of property to exchange that is usable by us. We are allowed to sell or exchange, but the only thing is that we must take the money from the sale of this property, put it back in the Treasury, and then ask for an appropriation to buy another piece of property. By that time the properties we want to buy have been disposed of.

Mr. COLE of New York. To that extent, then, this bill makes it unnecessary that the State Department come to the Committee on Appropriations for an appropriation to do whatever the State Department wants?

Mr. BLOOM. Well, yes; in a way, you are right. But you must remember that this money is taken from the State Department because they sell their own property.

Mr. COLE of New York. Mr. Speaker, in raising this question and in view of the discussion that followed, I think I have performed my responsibility to the House. This is a matter that should interest the Committee on Appropriations. If the Committee on Appropriations interposes no objection to it, I see no reason why I should. Therefore, Mr. Speaker, I withdraw my reservation of objection.

Mr. MOTT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York a question. The gentleman from New York said that before any property could be acquired for the purposes of this bill, those wishing to acquire it would have to come before the Committee on Foreign Affairs for permission. Is that by virtue of any authority or simply an agreement between the gentleman's committee and the State Department?

Mr. BLOOM. I will say this to the gentleman: There is a special Commission that has already been approved by the Congress, the Foreign Building Commission, which consists of the chairman of the Foreign Relations Committee of the Senate, the ranking Republican member of the Senate Committee on Foreign Relations, the chairman of the Committee on Foreign Affairs of the House, the ranking Republican member of the Committee on Foreign Affairs of the House, the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. All of them must approve of this in writing. They must sign a petition that it is approved of by them.

Mr. MOTT. Now, will the gentleman tell us why that is necessary at this particular time and what is the disadvantage of the State Department coming to the Congress and getting an authorization and an appropriation if it wants to purchase property itself?

Mr. BLOOM. Mr. Speaker, I am glad that the gentleman has asked that question. It is a simple business proposition all the way through. The fact is that we have certain locations that the State Department bought many years ago. Those locations are not serviceable for us, or rather for the State Department. Now we want to get a new location. Under the present law we can exchange that property for another piece of property, but we cannot always find a serviceable



piece of property to exchange. If, for example, we find a location that we can buy in Argentina, we can buy that for a certain amount of money. If we sell our property to buy that and we do not get the money from the Committee on Appropriations, we have sold our property and we have nothing at all for our embassies or legations. We can make money and we do not have to convert the money, the pesos, or whatever currency it may be, into dollars, and then the dollars into pesos. This legislation will save the Government many, many hundreds of thousands of dollars and enable us to get the proper locations by negotiating for cash instead of exchanging property.

Mr. MOTT. Will the gentleman tell me this: Under this bill could not the purchasing authority, which the gentleman referred to, go out and buy a new piece of property and erect a building for an embassy or a legation on it without coming to the Congress and getting an authorization for it, and an appropriation?

Mr. BLOOM. It can, under this legislation, but it must come to both committees, and both the Foreign Relations Committee and the Committee on Foreign Affairs must approve of it. But they will not go out and buy any property unless they find that they have the money to do so. They get that money by selling their present location. As a real estate proposition—and I have had nearly 50 years of experience in real estate—this is the only way for anyone to buy any property.

Mr. MOTT. Mr. Speaker, I withdraw my reservation of objection.

Mr. ENGEL of Michigan. Mr. Speaker, reserving the right to object, I feel that the members of the subcommittee of the Committee on Appropriations, which has the responsibility for appropriating for the State Department, should be consulted in the matter. Therefore, Mr. Speaker, I object, pending consultation with the subcommittee.

Mr. BLOOM. Mr. Speaker, will the gentleman withhold his objection for a moment? I will be glad to answer, if I can, any questions the gentleman has in mind.

Mr. ENGEL of Michigan. No; I have objected.

#### LOSSES ON ACCOUNT OF ERADICATION OF MEDITERRANEAN FRUITFLY IN THE STATE OF FLORIDA

The Clerk called the bill (H. R. 2542) for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN, Mr. COLE of New York, and Mr. CUNNINGHAM objected, and the bill was stricken from the calendar.

#### EMERGENCY OFFICERS' RETIREMENT BENEFITS

The Clerk called the bill (H. R. 1948) to amend the act of July 15, 1940, per-

taining to emergency officers' retirement benefits.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### CLAIMS ARISING OUT OF TARIFF ACT OF 1922

The Clerk called the bill (H. R. 901) conferring jurisdiction upon the Court of Claims of the United States to consider certain claims arising after January 1, 1926, out of the Tariff Act of 1922.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### AMENDING THE NATIONALITY ACT OF 1940

The Clerk called the bill (H. R. 1296) to amend sections 347 (b) and 401 (a) of the Nationality Act of 1940 by extending the periods within which petitions for naturalization filed prior to the effective date of that act may be heard, and to extend for a period of 4 years the time within which certain citizens must return to the United States as evidence of the fact that they have elected to become American citizens, respectively.

Mr. MOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. LESINSKI. Mr. Speaker, I object to that.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOTT. I object.

#### DELEGATE IN CONGRESS FROM ALASKA

The Clerk called the bill (H. R. 5246) to provide for filling a vacancy in the office of Delegate in Congress from Alaska.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### LOSS OF NATIONALITY BY REASON OF VOTING UNDER LEGAL COMPUSSION IN A FOREIGN STATE

The Clerk called the bill (H. R. 2448) to provide that nationals of the United States shall not lose their nationality by reason of voting under legal compulsion in a foreign state.

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 401 (e) of the Nationality Act of 1940, as amended (U. S. C., 1940 ed., title 8, sec. 801 (e)), is amended to read as follows:

"(e) Voting in a political election in a foreign state or participating in an election

or plebiscite to determine the sovereignty over foreign territory, unless such voting in a political election or such participation in an election or plebiscite is done under legal compulsion; or".

Sec. 2. The amendment made by section 1 of this act to section 401 (e) of the Nationality Act of 1940, as amended, shall take effect as of the effective date of the Nationality Act of 1940.

With the following committee amendments:

Page 2, line 2, insert the words "was or hereafter", following the word "plebiscite." Page 2, line 3, strike out all of section 2.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RELIEF TO DISBURSING OFFICERS OF THE ARMY ON ACCOUNT OF LOSS AND DEFICIENCY OF GOVERNMENT FUNDS, VOUCHERS, RECORDS, OR PAPERS

The Clerk called the bill (S. 218) to authorize relief of disbursing officers of the Army on account of loss or deficiency of Government funds, vouchers, records, or papers in their charge.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, no doubt this bill is justified. I should like to call attention to the provision in which the Secretary of War is directed to submit to the Congress a report of his activities by virtue of the act. I raise the question for the purpose of inquiring if it is necessary to impose that obligation on the Secretary of War, and to just have one more report come to the Congress to be put in somebody's pigeonhole and collect dust. I see the gentleman from Missouri is in the Chamber. As the membership knows, the gentleman has introduced a bill to make unnecessary the making of certain reports by various departments to the Congress, most of which are completely ignored.

It seems inadvisable and unnecessary to impose an additional obligation upon the Secretary of War, as in this instance, to send out one more report. I would like to inquire if any member of the Committee on Expenditures in the Executive Departments feels that that report is essential in order to safeguard the Government's interest.

Mr. MANASCO. In answer to the gentleman, I think it is a wise idea to have these departments know that their transactions will be scrutinized by a congressional committee. I think it will save us money in the long run. We do not read all of those reports but we do read some of them.

Mr. COLE of New York. It is the gentleman's view that his committee will make inquiry into the different reports the Secretary may send out under this resolution?

Mr. MANASCO. Yes, sir. The mere fact that the Department has to send down a report means that they will be very careful, and I think it will avoid a lot of fraud.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. COCHRAN. I suggest to the chairman of the committee that an amendment could be offered striking out that part of the bill which requires a report.

When we considered this bill in the committee, as you recall, there was no discussion about it; all the reports were favorable. I admit I overlooked that proviso. Had I seen it when the bill was considered I would have made a motion in the committee to strike it out; and I will make a motion to strike it out now if the bill is considered, and if the gentleman from Alabama will agree. I do not see any reason why we must have a report in this instance.

Mr. MANASCO. If the gentleman from New York will yield further, I believe it is a wise idea to require these departments to make reports to Congress, because the mere fact they do make the reports and that somebody on some congressional committee may act upon it and the press may study the report will restrain them.

Mr. COCHRAN. I may say to the gentleman from Alabama that I circularized every chairman of a House committee on the bill I introduced, asked for comments and criticism, especially whether they had any objection to the passage of the bill. I have letters on my desk ready to submit to the committee in the next Congress showing that there is not one chairman of committee in this House who objected to any of the provisions of the bill I introduced.

During the time I was chairman of that committee those reports came in, and I can honestly say that outside of one report which carried a list of refunds made by the Bureau of Internal Revenue in connection with income tax laws, there never was one report that anybody ever asked to see.

Mr. MANASCO. That may be true.

Mr. COCHRAN. I do not think this provision should remain in the bill. The time to eliminate these reports is when resolutions asking for them are introduced. I suggest to the gentleman that he agree to accept an amendment to strike out this provision.

Mr. MANASCO. The gentleman from Missouri has the right to offer such an amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I propose to object unless the gentleman agrees to the striking out of this provision.

Mr. MANASCO. It makes no difference to me; if Congress does not want this provision that is up to Congress.

Mr. COCHRAN. But the gentleman is chairman of the committee of which I am a member.

Mr. MANASCO. And the gentleman has the right to offer the amendment. Perhaps I may not oppose the amendment.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### COMPENSATION TO OWNERS OF PRIVATELY OWNED AIRPLANES USED ON OFFICIAL BUSINESS

The Clerk called the bill (H. R. 4547) to amend the act of February 14, 1931, as amended, so as to permit the compensation on a mileage basis, of civilian officers or employees for the use of privately owned airplanes while traveling on official business.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill undoubtedly is entirely justified, but I should like to call the attention of the chairman of the Committee on Expenditures in the Executive Departments to the fact that the report accompanying the bill does not fully comply with rule 13, paragraph 2 (a), in that it does not show the changes in existing law.

I therefore ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### RELATING TO MARRIAGE AND DIVORCE AMONG CERTAIN INDIAN TRIBES

The Clerk called the bill (S. 267) relating to marriage and divorce among the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That from and after 6 months after approval of this act no marriage thereafter entered into, to which a member of the Klamath or Modoc or Yahooskin Band of Snake Indians of the Klamath Indian Reservation in Oregon is a party, shall be valid for any purpose unless such marriage shall have been solemnized pursuant to the laws of the State in which the ceremony is performed.

Sec. 2. Bona fide Indian custom marriages existing prior to the effective date of section 1 of this act are valid, and recordation of such marriage with the superintendent of the Klamath Indian Agency, if both parties are then living, in a book kept by him for that purpose shall be prima facie evidence of such marriage. The nonrecordation of such a marriage shall be prima facie evidence of the nonexistence of such marriage.

Sec. 3. From and after the date of the approval of this act divorces in which a member of the said tribes or band of Indians is a party shall be effected only by decree of a State court of competent jurisdiction.

Sec. 4. No person shall be entitled to inherit as the surviving spouse of a deceased member of the Klamath or Modoc Tribes or Yahooskin Band of Snake Indians by virtue of a marriage entered into subsequent to the effective date of section 1 of this act unless his or her marriage to the decedent has been solemnized in conformity with the provisions of this act: *Provided*, That nothing herein contained shall be construed to authorize the devolution of restricted property within the Klamath Reservation to any person not qualified under the provisions of section 5 of the act of June 1, 1938 (52 Stat. 605).

With the following committee amendment:

Page 2, line 1, after the word "marriages", insert "with members of said tribe mentioned in section 1."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ESTATE OF JACKSON BARNETT

The Clerk called the bill (S. 1710) to authorize the sale and conveyance of certain property of the estate of Jackson Barnett, deceased Creek Indian.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to sell and convey any or all of the property hereinafter described, upon such terms and conditions as he shall prescribe: Lot 2 of tract No. 8553, as shown on map recorded in book 105, pages 22 and 23 of maps, and the southerly 40 feet of lot 20 and all of lot 21 of tract No. 3446, as shown on map recorded in book 37, page 84 of maps, in the office of the county recorder of Los Angeles County, Calif., together with all improvements thereon, and all furniture, fixtures, and personal property, belonging to the estate of Jackson Barnett, located in or on said real property.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, my purpose in rising at this time is to express my appreciation of the work that has been done by the members of the objectors' committee on both sides of the aisle. The Members who undertake this work perform their duties outside of their regular activities as Members of the House and members of committees to which they have been appointed, and they do so at great sacrifice to themselves. This is probably the last call of the Consent Calendar at this session.

Tomorrow will be the last call of bills on the Private Calendar and, of course, there will be no opportunity of expression when those bills are called as there is when bills on the Consent Calendar are called.

I want to express my feeling of appreciation, and I am sure I speak the sentiments of all Members of the House, to Members on both sides, Democrats and Republicans alike, who have so unselfishly made the sacrifice that they have during the past 2 years in serving on the objectors' committee, a task that none of us seek, every one of us would like to get away from the job, but which each and every one of these Members has assumed. Therefore I want to thank the members of the objectors' committee. They play a very important part in the transaction of the business of this House.



I want to thank them all personally, the gentleman from North Carolina [Mr. BARDEN], the gentleman from Tennessee [Mr. PRIEST], the gentleman from Indiana [Mr. MADDEN], the gentleman from New York [Mr. COLE], the gentleman from New Jersey [Mr. KEAN], the gentleman from Iowa [Mr. CUNNINGHAM], the gentleman from Oregon [Mr. MOTT], the gentleman from Indiana [Mr. GRANT], the gentleman from Indiana [Mr. SPRINGER], and the gentleman from Ohio [Mr. MCGREGOR].

I feel it is only fitting and proper—in fact I consider it my duty, and to me it is a pleasant duty—to express on this probably the last day for calling bills on the Consent Calendar during the present session my own personal feeling of appreciation, and to convey to the House information as to the important work these Members have done at such a great sacrifice to themselves. I know that in these few extemporaneous remarks I express, also, the feeling of all Members of the House.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, I join with the majority leader in his expression of commendation of the objectors committee and the Members thereof. They perform a thankless but patriotic service and I am sure the entire membership of this House appreciates it.

Mr. McCORMACK. I thank the gentleman.

Mr. JENKINS. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. JENKINS. Mr. Speaker, I served in the capacity of an objector, so-called, for about 10 years and I think I know that what the majority leader has just said is absolutely true.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AUTHORIZING SECRETARY OF THE INTERIOR TO SELL CERTAIN LANDS

The Clerk called the bill (H. R. 126) to authorize the Secretary of the Interior to sell certain lands, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized in his discretion to sell and convey, under such terms and conditions as he may prescribe, those certain areas heretofore acquired for the Albuquerque Indian School, New Mexico, situated within tracts numbered 97a, 97b, and 98, as shown on the Middle Rio Grande conservancy district map, comprising approximately thirty and seventy-five one-hundredths acres: *Provided,* That the proceeds derived from the sale of said land shall be deposited into the Treasury of the United States as school revenue pursuant to the act of May 17, 1926 (44 Stat. 560), and shall be available for the purchase of suitable farm lands, or interests therein, together with improvements thereon, as an addition to the Albuquerque Indian School Reserve.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

#### ACQUISITION OF INDIAN LANDS FOR GRAND COULEE DAM AND RESERVOIR

The Clerk called the bill (H. R. 3869) to amend section 1, act of June 29, 1940 (54 Stat. 703), for the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, the committee has not complied with the Ramseyer rule, and I therefore ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### AUTHORIZING SALE OF CERTAIN LANDS OF THE TULALIP TRIBE OF INDIANS (WASHINGTON)

The Clerk called the bill (H. R. 4782) to authorize the sale of certain lands of the Tulalip Tribe of Indians, State of Washington.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized, in his discretion, under such rules and regulations as he may prescribe, and with the approval of the governing officials of the Tulalip Tribe of Indians, to sell and convey to the purchasers certain lands, commonly referred to as tidelands, fronting upon lots 1, 2, 3, and 4 of section 1, township 29 north, range 4 east, the south half of section 36, township 30 north, range 4 east, and lot 1 of section 6, township 29 north, range 5 east, Willamette meridian, Washington. Title to the lands so sold shall be conveyed by deed executed by the governing officials of the tribe and approved by the Secretary of the Interior. In the discretion of the Secretary of the Interior, the lands may be offered for sale by lots or parcels based upon local lot descriptions as identified by local plats of survey covering Priest Point Park subdivisions: *Provided,* That the proceeds of the sale of the lands shall be deposited with the bonded disbursing officer of the Tulalip Indian Agency to the credit of the Tulalip Indian Tribe, a corporation, and, with the approval of the Secretary of the Interior, such proceeds may be reinvested in other lands, in accordance with and subject to the provisions of the act of June 18, 1934 (48 Stat. 984).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BRINGING OF CERTAIN ALIENS INTO THE UNITED STATES

The Clerk called the bill (S. 963) relating to the imposition of certain penalties and the payment of detention expenses incident to the bringing of certain aliens into the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, I have no objection to the first part of the bill, but section 4 allows the Attorney General to lower the fines to shipping companies who have let sailors jump from their ships,

from \$1,000 to \$200. I understand that the author of the bill will accept an amendment striking out section 4; therefore I am not objecting at this time, but will introduce an amendment later.

Mr. LESINSKI. Mr. Speaker, if the gentleman will yield, may I make an explanation? I think the gentleman is wrong in the matter of the fine. The reason for the reduction of the fine to \$200 is that there are certain people who hold a visa from an American consul, and on that visa they come in on a steamship and land in this country. When the Immigration Department finds that this man actually had no right to come in, the steamship lines are fined \$1,000.

Mr. KEAN. May I say to the gentleman that I am not objecting to that part of the bill at all. Section 4 of the bill says that if a sailor jumps a ship, that the Attorney General may remit the fine to \$200, and that is the part that I am objecting to.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 15 of the Immigration Act of February 5, 1917 (39 Stat. 885; 8 U. S. C. 151), is hereby amended by changing the period after the word "hereof", as it appears in the next to the last sentence of the said section, to a colon, and adding the following: "*Provided further,* That in cases of aliens who arrive in possession of unexpired visas issued by United States consuls within 60 days of the alien's foreign embarkation, detention expenses and expenses incident to detention shall not be assessed against the vessel if the inadmissibility of the aliens could not have been ascertained by the exercises of reasonable diligence at the time the visas were issued and the sole cause of exclusion is one arising under section 13 of the Immigration Act of 1924 (43 Stat. 161-162; 50 Stat. 165; 46 Stat. 581; 8 U. S. C. 213 (a)-213 (f))."

SEC. 2. Section 18 of the Immigration Act of February 5, 1917, as amended (39 Stat. 887-889; 45 Stat. 1551; 8 U. S. C. 154), is amended by changing the period after the last word in the second sentence thereof to a comma and adding the following: "except that detention expenses and expenses incident to detention, shall not be assessed against the owner or owners of the vessels on which they respectively came when the aliens are in possession of unexpired visas issued by United States consuls within 60 days of the aliens' foreign embarkation if the inadmissibility of the aliens could not have been ascertained by the exercise of reasonable diligence at the time the visas were issued and the sole cause of exclusion is one arising under section 13 of the Immigration Act of 1924 (43 Stat. 161-162; 50 Stat. 165; 46 Stat. 581; 8 U. S. C. 213 (a)-213 (f))."

After the word "land" as it appears in the third sentence of this section, which reads: "or to fail to pay the cost of their maintenance while on land", add the following: "as required by this section or section 15 of this act."

SEC. 3. Subsection (b) of section 16 of the Immigration Act of 1924 (43 Stat. 163; 8 U. S. C. 216 (b)), is hereby amended by substituting a colon for the period after the word "assessed" and inserting the following: "*Provided,* That no fine nor refund, as provided for in this subsection, nor any expense incident to detention in connection with an application for admission to the United States, shall be assessed or required for bringing into the United States any alien,

if such alien holds an unexpired visa issued by a United States consul within 60 days of the alien's foreign embarkation if the inadmissibility of the alien could not have been ascertained by the exercise of reasonable diligence at the time the visa was issued."

Sec. 4. Subsection (a) of section 20 of the Immigration Act of 1924 (43 Stat. 164; 8 U. S. C. 167 (a)), is amended by adding at the end thereof the following: "The Attorney General may, upon application in writing therefor, mitigate such penalty to not less than \$200 for each seaman in respect of whom such failure occurs, upon such terms as the Attorney General in his discretion shall think proper. This section, as amended, shall apply to all penalties arising subsequent to June 5, 1940."

With the following committee amendments:

Page 2, line 2, after the word "if", strike out down to and including the word "and" in line 5.

Page 2, line 6, after the figures "13", insert "(a) (1) or (3)."

Page 2, line 18, after the word "if", strike out down to and including the word "and" in line 20.

Page 2, line 21, after the figures "13", insert "(a) (1) or (3)."

Page 3, strike out lines 14, 15, and 16.

The committee amendments were agreed to.

Mr. KEAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEAN: Page 3, line 17, strike out section 4.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### IMMIGRATION AND NATURALIZATION SERVICE

The Clerk called the bill (H. R. 5464) amending the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PRIEST. Mr. Speaker, reserving the right to object, as I understand from the report this bill would broaden the authority of certain immigration officials in order to confer that authority where it might be used in the case of transportation by aircraft. I would like to hear, however, some further explanation of changes in the existing law, if there are any, from the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Speaker, a letter written by the Attorney General to the Speaker of the House contains the following language:

Under existing law arrests of aliens illegally in the United States may be made only pursuant to a warrant issued by the Immigration and Naturalization Service. This limitation is cumbersome and at times results in frustrating the ends of justice. The power to make arrests in such cases without a warrant should be conferred on personnel of the Immigration and Naturalization Service with a restriction that an alien so taken into custody should be produced for a hearing without unnecessary delay.

Mr. PRIEST. Mr. Speaker, I withdraw my reservation of objection.

Mr. COLE of New York. Further reserving the right to object, Mr. Speaker, this is but one of perhaps a dozen bills reported out by the Committee on Immigration and Naturalization, and in each instance the report accompanying the bill, as is the common practice, contains a letter submitted to the committee by the head of the department interested in the proposal, but I have been intrigued by the fact that in all the letters submitted to the Committee on Immigration and Naturalization by the Attorney General, and which are contained in these several reports, the name of the Attorney General, his identity, is indicated in blank. I wonder if there is any particular reason why the Committee on Immigration and Naturalization thought it inadvisable to disclose the identity of the Attorney General who is submitting these letters.

Mr. LESINSKI. I cannot answer that question. The chairman of the committee is not present, and he is the man who got the letters. I believe the letters were written to the Speaker of the House, and I know the Speaker knows who the Attorney General is, and I know the letters were signed.

Mr. COLE of New York. The gentleman can assure the House there was no deliberate intention on the part of the committee to withhold that information?

Mr. LESINSKI. I do not think so. I think it is just a technical error.

Mr. COLE of New York. I thought so when I saw it the first time, but when it happened in all 12 reports I thought perhaps a policy must have been adopted by the committee concerning it. It is only recently that this has occurred, and it made me think that perhaps the committee had adopted a policy not to disclose the identity of the Attorney General or make any reference to it.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the fourth proviso of the second paragraph of the section entitled "Bureau of Immigration" of the act entitled "An act making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes," approved February 27, 1925 (43 Stat. 1049), as amended (8 U. S. C. 110), be, and it is hereby, amended to read as follows:

"Any employee of the Immigration and Naturalization Service authorized so to do under regulations prescribed by the Commissioner of Immigration and Naturalization with the approval of the Attorney General, shall have power without warrant (1) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, or expulsion of aliens, or any alien who is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay for examination before an officer of the Immigration and Naturalization Service having authority to examine aliens as to their right to enter or remain in the United States; (2)

to board and search for aliens any vessel within the territorial waters of the United States, railway car, aircraft, conveyance, or vehicle, within a reasonable distance from any external boundary of the United States; and (3) to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, or expulsion of aliens, if the person making the arrest has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States; and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDMENT OF SECTION 401 (A) OF THE NATIONALITY ACT OF 1940

The Clerk called the bill (H. R. 5496) to amend section 401 (a) of the Nationality Act of 1940.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the first sentence of the second proviso of section 401 (a) of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1168; 8 U. S. C. 801 (a)), is hereby amended to read as follows: "Provided further, That a person who has acquired foreign nationality through the naturalization of his parent or parents, and who at the same time is a citizen of the United States, shall, if he is abroad and has not theretofore expatriated himself as a citizen of the United States by his own voluntary act, be permitted at any time prior to January 13, 1947, to return to the United States and take up permanent residence therein, and it shall be thereafter deemed that he has elected to be a citizen of the United States."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDMENT OF SECTION 201 (G) OF THE NATIONALITY ACT OF 1940

The Clerk called the bill (H. R. 5513) to amend the Nationality Act of 1940.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, in view of the fact that this bill radically alters provisions of existing law and the Nationality Act, I ask that some member of the committee undertake an explanation of its purpose and effect, with especial reference to a subsequent bill on the calendar, No. 415.

Mr. LESINSKI. The report contains a complete and detailed statement as to why the Department of Justice has asked for this legislation. It reads:

Under existing law, when a child is born abroad to a couple, one of whom is a citizen of the United States and the other an alien, the child is born a United States citizen if the citizen-parent has had a total of 10 years' residence in the United States, 5



years of which existed after the parent's sixteenth birthday. Under the provision of law, which was enacted in 1940, no citizen-parent, where the other parent is an alien, can transmit his United States citizenship to his child if the parent is under 21 years of age at the time of the birth of the child, because the father could not have had 5 years' residence in the United States subsequent to his sixteenth birthday.

The reason for this proposed legislation is that a lot of our boys who have gone overseas are 18 and 19 years old. Under existing law, if one of these boys gets married there and his wife has a child, he is not able to bring his wife and child into this country. That is the reason for seeking to change the present law.

Mr. COLE of New York. I call the attention of the gentleman to a bill also reported out by his committee and that is on the calendar today, No. 415, H. R. 4571, which permits the children of a marriage such as he has just described to come into this country on a nonquota basis. I think it is probably quite proper that the children of our service personnel who go across and get married be given preferential status and be granted admissibility to this country, but that is accomplished under the bill H. R. 4571, which is later on the calendar. That being so, why is it necessary to have the bill that is now before the House?

Mr. LESINSKI. It is to change the date of the existing law.

Mr. COLE of New York. That is true, but that changes the date not only as to service people but civilians as well, and makes it apply not only for the period of the war but as permanent legislation.

Mr. LESINSKI. Under the existing law, the American citizen must have 5 years' residence, between the ages of 16 and 21, which gives him the 5 years.

But if the soldier is 18 or 19 years old, he would not have the 5 years. That is the reason for changing it to 13 years of age, to make the 5 years 13, and the 13, 18.

Mr. COLE of New York. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

#### NATIONAL GUARD OF THE STATE OF TENNESSEE

The Clerk called the bill (S. 1590) for the relief of the State of Tennessee.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is authorized to give to the account of the National Guard of the State of Tennessee credit in the amount of \$2,920.18 for the money value of property listed on approved reports of survey for which the State of Tennessee has been held pecuniarily responsible, said credits to be given in full satisfaction of any and all claims of the State of Tennessee against the United States on account of clothing purchased by the State and issued to the National Guard of Tennessee to meet

a shortage existing prior to the Army maneuvers of August 1940. This credit shall be established by the submission of evidence acceptable to the War Department of the purchase, issue, and transfer of title to the United States of the clothing.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GEORGETOWN COUNTY, S. C., TRANS- FERRED TO CHARLESTON DIVISION, EASTERN JUDICIAL DISTRICT

The Clerk called the bill (S. 1377) to transfer Georgetown County, S. C., from the Florence division to the Charleston division of the eastern judicial district of South Carolina.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That Georgetown County, S. C., of the eastern judicial district of South Carolina, be, and it is hereby, detached from the Florence division of said district and attached to the Charleston division of said district.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AUTHORIZING TRANSACTIONS BY DIS- BURSING OFFICERS OF THE UNITED STATES

The Clerk called the bill (H. R. 5062) to authorize certain transactions by disbursing officers of the United States, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That subject to regulations promulgated pursuant to this act, disbursing officers of the United States are hereby authorized, for official purposes, or for the accommodation of military, naval, and civilian personnel of the United States Government, and personnel of contractors and of authorized nongovernmental agencies operating with the armed forces of the United States, to cash and negotiate checks, drafts, bills of exchange, and other instruments payable in United States and foreign currencies, and to conduct exchange transactions involving United States and foreign currency and coin, checks, drafts, bills of exchange, and other instruments. Any official funds which are held by such disbursing officers and which are available for expenditure may, with the approval of the head of the agency having jurisdiction over such funds, be utilized for this purpose.

SEC. 2. Any gains in the accounts of disbursing officers of the United States resulting from operations permitted by this act shall be paid into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to adjust any deficiencies in the accounts of disbursing officers of the United States which may result from such operations.

SEC. 3. The Secretary of the Treasury and, with the concurrence of the Secretary of the Treasury, the heads of other executive departments having jurisdiction over disbursing officers of the United States are hereby authorized respectively to issue such rules and regulations, governing the disbursing officers under their respective jurisdictions, as may be deemed necessary or proper to carry out the purposes of this act.

SEC. 4. The provisions of this act shall be effective from and after December 7, 1941,

and shall remain in force during the continuance of the present war and for 6 months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ELIMINATING AS UNCOLLECTIBLE CER- TAIN CREDITS OF THE UNITED STATES

The Clerk called the bill (H. R. 5221) to eliminate as uncollectible certain credits of the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, at the close of the fiscal year 1945, there are hereby authorized and directed to be eliminated, as uncollectible from the accounts of the Treasury Department, the Post Office Department, and the General Accounting Office, the following items which have been carried as "Unavailable cash" since the year 1861:

Assistant Treasurer of the United States, New Orleans, La., 1861, \$31,164.44.

Depositories at—

Savannah, Ga., 1861, \$205.76.

Galveston, Tex., 1861, \$83.36.

Little Rock, Ark., 1861, \$5,823.50.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

#### EXAMINATION OF EXPENDITURES BY DISBURSING OFFICERS OF THE UNITED STATES MARINE CORPS

The Clerk called the bill (H. R. 5248) to amend an act entitled "An act to extend the time for examination of monthly accounts covering expenditures by disbursing officers of the United States Marine Corps," approved December 26, 1941, so as to extend the time for examination of monthly accounts of disbursing officers and special disbursing agents of the Navy and Coast Guard.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to extend the time for examination of monthly accounts covering expenditures by disbursing officers of the United States Marine Corps," approved December 26, 1941 (55 Stat. 862), is amended to read as follows: "That the time for examination of monthly accounts covering expenditures by disbursing officers and special disbursing agents of the United States Navy, United States Marine Corps, and United States Coast Guard after the date of actual receipt at the administrative office or offices designated to make the examination, and before transmitting the same to the General Accounting Office as limited by section 12 of the act of July 31, 1894 (28 Stat. 209), as amended, is hereby extended from 20 to 60 days. In time of war or national emergency and for a period of 18 months after such war or emergency shall have ceased to exist, the time for examination of such monthly accounts is hereby extended from 60 to 90 days."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GLACIER NATIONAL PARK FISH HATCH- ERY, CRESTON, MONT.

The Clerk called the bill (S. 1645) relating to the administration of the

Glacier National Park Fish Hatchery, at Creston, Mont., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, reserving the right to object, and it is not my purpose to object, I say this is an excellent bill. This bill transfers activities with reference to fish to the Fish and Wildlife Service from the National Park Service. My purpose in speaking is to tell the House that during the last 2 weeks the Select Committee on Fish and Wildlife held hearings. First the Fish and Wildlife Service was heard, then the Soil Conservation Service, the Forest Service, the engineers of the Army, the Grazing Service, and the National Park Service, and each and every one gave a long statement with reference to their activities in connection with fish and wildlife. I hope the committee that has jurisdiction will bring in a general bill to place these activities where they belong, in the Fish and Wildlife Service, and not in the five or six different agencies.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the property at Creston, Mont., acquired by the United States for the establishment of a fish hatchery for restocking the waters of Glacier National Park and administered as a part of the park pursuant to the act of July 31, 1939 (53 Stat. 1142), together with the improvements and equipment utilized in connection with the hatchery property, is hereby eliminated from the park.

The functions of the National Park Service with regard to the administration of the aforesaid properties for the benefit of the park are hereby transferred to and shall be exercised by the Fish and Wildlife Service for the same purposes: *Provided, however,* That such fish propagated at the hatchery as may be in excess of the number necessary to restock and maintain an optimum fish population in the waters of the park at all times may be utilized for the restocking of other waters.

The bill was ordered to be read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NATURALIZATION OF FILIPINOS

The Clerk called the bill (H. R. 4826) to authorize the naturalization of Filipinos.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. J. LEROY JOHNSON. Mr. Speaker, reserving the right to object, I want to ask several questions about this matter. Were any hearings held on this bill by the Committee on Immigration and Naturalization?

Mr. MASON. Mr. Speaker, if the gentleman will yield to me I can answer his question. There were hearings held on this bill.

Mr. J. LEROY JOHNSON. Does this not change the fundamental policies of our nationalization laws, as far as Filipinos and many other groups from the Orient are concerned?

Mr. MASON. It changes it only to the extent that it permits the Filipinos who are now in this country to apply for citizenship, and also any who may come in under the quota, after the war is over.

Mr. J. LEROY JOHNSON. How many Filipinos are there in California, in round figures?

Mr. MASON. I cannot tell you how many there are in California, but there are some 45,000 in the United States today, and 30,000 or 40,000, in the Hawaiian Islands. That makes a little over 80,000 all told.

Mr. J. LEROY JOHNSON. What is the quota now?

Mr. MASON. The quota is 55. It would be 100 after the war is over.

Mr. LESINSKI. May I make a correction?

Mr. MASON. Certainly.

Mr. LESINSKI. According to the statement there, the quota will only be 50. The citizenship applies to those Filipinos who are in this country, some of them serving in our armed forces.

Mr. J. LEROY JOHNSON. There are very few in the armed forces. Most of them are laborers out in California and Oregon.

Mr. MASON. There are many in the armed service in the Philippine Islands.

Mr. J. LEROY JOHNSON. That is probably true.

The SPEAKER. Is there objection?

Mr. J. LEROY JOHNSON. Mr. Speaker, I ask unanimous consent that this bill may go over for a week.

The SPEAKER. If it goes over for a week it will go over until the next session of the Congress.

Mr. J. LEROY JOHNSON. Then, Mr. Speaker, I object.

#### AUTHORIZING POSTMASTERS IN ALASKA TO ADMINISTER OATHS AND AFFIRMATIONS

The Clerk called the bill (H. R. 4919) to amend the act authorizing postmasters in Alaska to administer oaths and affirmations.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of the act approved August 5, 1939, entitled "An act to authorize postmasters within the Territory of Alaska to administer oaths and affirmations, and for other purposes" (53 Stat. 1219), is amended to read as follows:

"That each postmaster within the Territory of Alaska is hereby authorized and directed to administer oaths and affirmations and to take acknowledgments, and to make and execute certificates thereof, and to perform all other functions of a notary public within said Territory, whenever an oath, affirmation, or acknowledgment or a certificate thereof is authorized, permitted, or required by any act or acts of Congress, or of the Legislature of the Territory of Alaska."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CLERICAL ASSISTANCE AT POST OFFICES

The Clerk called the bill (H. R. 4892) relating to clerical assistance at post offices, branches, or stations serving mili-

tary and naval personnel, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act of July 9, 1943 (57 Stat. 391), entitled "An act to provide for clerical assistance at post offices, branches, or stations serving military and naval personnel, and for other purposes," is hereby amended to read as follows:

"That, during the present war and for 6 months thereafter, whenever deemed necessary in serving military and naval personnel at military and naval camps, posts, or stations, the Postmaster General is hereby authorized to detail any postal employee from main post offices to postal units, at such camps, posts, or stations, without changing the official station of such postal employee, and to authorize allowances, not exceeding \$4 per day in lieu of actual expenses, while so detailed, without regard to the Subsistence Expense Act of 1926, such allowances to be paid from the appropriation 'Miscellaneous items, first- and second-class post offices.'"

"Sec. 2. The Comptroller General of the United States is authorized and directed to allow credit for any payments made prior to July 9, 1943, not exceeding the allowances herein provided, to the employees so detailed."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CONVEYANCE OF CERTAIN LAND IN POWELL TOWN SITE, WYOMING, TO THE UNIVERSITY OF WYOMING

The Clerk called the bill (H. R. 4665) authorizing the Secretary of the Interior to convey certain lands in Powell town site, Wyoming, Shoshone reclamation project, Wyoming, to the University of Wyoming.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to issue conveying that unplatted portion of the town site of Powell, Wyo., on the Shoshone reclamation project, located in the northwest corner of the town site, containing approximately 24 acres, to the University of Wyoming, in trust for use as an agricultural experiment substation; but in said patent there shall be reserved to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same.

SEC. 2. The conveyance herein authorized shall be made upon the express condition that any use to which the area is put shall comply with all town ordinances and that within 30 days of the receipt of any request therefor from the Secretary of the Interior, the president of the University of Wyoming shall submit a report as to the use made of the land herein granted the university during the preceding period named in such request, showing compliance with the terms and conditions stated in this act; and that in the event of his failure to so report, or in the event of a showing in such report to the Secretary of the Interior that the terms of the grant have not been complied with, the grant shall be held to be forfeited and the title shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and declare such forfeiture and such reversion and restore said land to the public domain, and such order of the Secretary shall be final and conclusive.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TO AMEND THE NATIONALITY ACT OF 1940

The Clerk called the bill (H. R. 4642) to amend the Nationality Act of 1940.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, this bill states that for the purposes of this legislation the present war shall be deemed to have commenced September 1, 1939. Some time ago, I served notice that I would object to consideration on this calendar of any bill which stated that the war started long before it did. I understand the author of the bill is ready to present an amendment changing that date to December 7, 1941, and therefore, I am not going to object to the consideration of the bill at this time.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1137), is hereby amended by adding, immediately following section 304 thereof, a new section to be numbered 304A and reading as follows:

"Sec. 304A. An alien, if eligible to naturalization, 50 years of age or over, who has resided in the United States continuously since prior to July 1, 1924, and who, on or prior to the effective date of this section, has made a declaration of intention to become a citizen which is not more than 7 years old, or who, within 2 years from the effective date of this section, shall make a declaration of intention, may thereafter file petition for naturalization and be admitted to citizenship upon full and complete compliance with all requirements of the naturalization laws, except that he shall not be required to speak the English language, sign his declaration or petition in his own handwriting, or meet other educational requirements: *Provided*, That this section shall apply only to petitions for naturalization filed within 4 years after the date of the enactment of this act."

SEC. 2. Section 326 of the Nationality Act of 1940 (54 Stat. 1150; 8 U. S. C. 726), is hereby amended by adding a new subsection, to be known as subsection (e) and reading as follows:

"(e) The provisions of this section shall not apply to any alien whose son or daughter is a citizen of the United States and has served or is serving honorably in the military or naval forces of the United States during the present war and who, if separated from such service, was separated under honorable conditions. For the purpose of this section, the present war shall be deemed to have commenced on September 1, 1939, and to continue until the termination of all hostilities in the present war."

SEC. 3. The Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1137), is hereby amended by adding, immediately following section 331 thereof, a new section to be numbered 331A and reading as follows:

"Sec. 331A. A declaration of intention to become a citizen shall not be required of any alien whose son or daughter is a citizen of the United States and has served or is serving honorably in the military or naval forces of the United States during the present war and who, if separated from such service, was separated under honorable conditions. For the purpose of this section, the present war shall be deemed to have commenced on

September 1, 1939, and to continue until the termination of all hostilities in the present war."

Mr. MASON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MASON:

On page 2, line 23, strike out "September 1, 1939" and insert December 7, 1941."

On page 3, line 11, strike out "September 1, 1939" and insert "December 7, 1941."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GRANTING NONQUOTA STATUS TO CERTAIN ALIEN VETERANS AND THEIR WIVES

The Clerk called the bill (H. R. 4571) to grant a nonquota status to certain alien veterans and their wives and minor unmarried children.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARDEN. Mr. Speaker, reserving the right to object, I think it should be called to the attention of the House at this time that we have had under consideration today several bills amending the Immigration Act. It seems to be the custom to chop it up paragraph by paragraph. If the immigration law needs revising and rewriting, then there certainly must be a better way to do it than to cut it up, paragraph by paragraph, into a hundred different bills.

Along that line, there is some indication, and I have noticed in other bills, that there is an apparent desire on the part of some to amend the Immigration Act for the convenience of some particular individual.

I do not say that is altogether wrong, but I believe the House should know it. I will just take the time to read one paragraph from the bill now under consideration, H. R. 4571:

(g) An immigrant who has served honorably as a member of the military or naval forces of the United States at any time after April 20, 1898, and before July 5, 1902; or after April 5, 1917, and before November 12, 1918; or who has served or hereafter serves honorably in the said forces after September 16, 1940, and until such time as the United States shall cease to be in a state of war; and his wife and unmarried child under 21 years of age.

I doubt very seriously if the membership of this House knows what effect a paragraph of that kind will have on the immigration law. We have passed other bills in this House pertaining to the rights of men who have served in our armed forces. I simply want to call this to the attention of the House, that we can keep chopping up our immigration law, paragraph by paragraph, sentence by sentence; adding a little here and a little there, and the first thing we know we shall have to turn around, go back and strike out half of it. It is much easier to keep it out than it is to put it in under the procedure we have adopted.

Mr. LESINSKI. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield gladly.

Mr. LESINSKI. In the report giving the purpose of the bill appears the following statement:

The sole purpose of this bill is to grant a nonquota status to alien veterans who have served honorably as members of the military or naval forces of the United States during the Spanish War and the First and Second World Wars. The same privilege is accorded to their wives and unmarried children under 21 years of age.

Mr. BARDEN. The gentleman's report is wrong. It reads "unmarried children." The bill states "unmarried child." Anything as delicate as the immigration law ought to be more definite and certainly should not have the appearance of being written or amended for the benefit of a particular person or a particular person's family. Personally, I think we have been tampering with the immigration law too much, especially in view of world conditions at this time.

The SPEAKER. Objection is heard. The Chair will state for the benefit of the membership that there is but one eligible bill remaining on the calendar. The Chair, however, will recognize Members this day to call up bills which are not eligible.

#### PRESERVATION OF CERTAIN RECORDS RELATING TO DOMESTIC SOURCES OF ORES, ETC.

The Clerk called the bill (H. R. 4852) to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals.

Mr. KEAN. Mr. Speaker, reserving the right to object, I should like to know—and I inquire of the gentleman from Arizona—the reason for microfilming these records after the original papers have been turned over to The National Archives. Why the duplication if they are to have the originals? Why cannot we save the expense of this microfilming?

Mr. MURDOCK. We wanted The National Archives to have a full and complete record so that nothing that should properly go into The Archives would be transferred some place else without being taken care of in that way. Archives would be justified in objecting to this bill without that provision.

This technical matter is of great value and has been obtained at great expense during the war. We feel it would be very unfortunate indeed if after this war there occurred what happened after the other war: that the accumulated data should be shoved away in musty storerooms and finally destroyed. It is easy enough to take inventory of forests and property above ground, but taking inventory, as we have been doing, of minerals and underground resources is a costly matter, and if the records were once lost or destroyed it would have to be done over again in connection with another war.

Mr. KEAN. I may say to the gentleman from Arizona that I believe the purpose of the bill is excellent and nobody objects to this very meritorious thing, but I was just wondering why there

should be this duplication; the gentleman has not explained.

Mr. MURDOCK. I thank the gentleman for affirming his belief in the bill and its merits. The preservation of this information and its proper use will be a great aid to our mining industry and will add to our national security.

Of course, we have The Archives for the preservation of historic material, and they will object if pertinent data are turned over to some other bureau and taken out of their hands. Possibly they would have a right to object if this caused a break in their record. We feel that if The Archives is going to have a complete story, including this data, it ought to be furnished to them in addition to being furnished to the Bureau of Mines.

Mr. PRIEST. Will the gentleman yield?

Mr. KEAN. I yield to the gentleman. Mr. PRIEST. May I ask the gentleman from Arizona if there has been any investigation made as to the difference in cost between microfilming and photostating? I believe The Archives would be in much better position to file photostats than to file a microfilm and I wondered if there had been an investigation into the difference in cost if that process should be used instead of microfilming?

Mr. MURDOCK. I have not made any investigation and I do not know the difference in cost. It was my thought to get a complete record at the lowest possible cost so that The Archives and the Bureau of Mines might have this valuable data.

Mr. ELLIOTT. Will the gentleman yield?

Mr. KEAN. I yield to the gentleman from California.

Mr. ELLIOTT. At the present time all records filed in The Archives of the United States are microfilmed. My bill passed 2 years ago provided that all records filed in The Archives of the United States are to be under the microfilm process.

Mr. CASE. Will the gentleman yield?

Mr. KEAN. I yield to the gentleman from South Dakota.

Mr. CASE. We have been appropriating money to The Archives for the purpose of microfilming records. I think the gentleman will find a great many of the records are microfilmed now.

Mr. MURDOCK. Mr. Speaker, I trust there will be no objection to the bill, because it is a meritorious measure.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That (a) after the termination of hostilities in the present war all files and records which relate to the technological and economic phases of domestic sources, supply, and beneficiation of the ores of metals and minerals, and which no longer are required in the conduct of the business of the various governmental agencies (including Government owned or controlled corporations) dealing with such matters, shall be transferred to and consolidated in the possession of the Bureau of Mines.

(b) Whenever an agency having custody of any such files and records determines that it has no further need therefor, it shall im-

mediately notify the Bureau of Mines. Upon receipt of such notification the Bureau of Mines, with the aid and advice of the staff of such agency, shall carefully examine such files and records, eliminate extraneous and duplicative material therefrom, and classify the data contained therein in such form as will be of greatest permanent value to the national economy. Where deemed desirable, microfilm may be used to conserve filing space.

(c) Such portions of the aforesaid files and records as are not retained by the Bureau of Mines shall be subject to disposal in the manner prescribed by law.

With the following committee amendments:

Page 1, line 4, after the word "war", insert "or at such date prior or subsequent thereto as the agency may determine."

Page 2, line 12, strike out "where deemed desirable, microfilm may be used to conserve filing space."

Page 2, line 13, insert "each item transferred to the Bureau of Mines shall be microfilmed by the agency having original custody of such files and records and such microfilm shall be delivered to The National Archives."

Page 2, after line 19, insert the following new section as follows:

"(d) The National Archives shall reimburse the agencies for the out-of-pocket cost of microfilming."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BARDEN. Mr. Speaker, that concludes the call of the bills on the Consent Calendar.

#### RELIEF OF DISBURSING OFFICERS OF THE ARMY

Mr. COCHRAN. Mr. Speaker, I have discussed the bill S. 218 with the chairman of our committee and I therefore ask unanimous consent to return to Calendar 391 and the bill (S. 218) to authorize relief of disbursing officers of the Army on account of loss or deficiency of Government funds, vouchers, records, or papers in their charge, to which I shall offer an amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the General Accounting Office shall relieve any disbursing officer of the Army charged with responsibility on account of loss or deficiency while in the line of duty, of Government funds, vouchers, records, or papers, in his charge, where such loss or deficiency occurred without fault or negligence on the part of said officer: *Provided*, That the Secretary of War shall have determined that the officer was in the line of his duty, and the loss or deficiency occurred without fault or negligence on his part: *Provided further*, That the determination by the Secretary of War of the aforesaid questions shall be conclusive upon the General Accounting Office: *Provided further*, That all cases of relief granted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of War: *And provided further*, That this act

shall be applicable only to the actual physical loss of Government funds, vouchers, records, or papers, and shall not include deficiencies in the accounts of disbursing officers of the Army resulting from illegal or erroneous payments.

Mr. COCHRAN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 2, line 4, after the colon, strike out the following: "Provided further, That all cases of relief granted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of War."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FOREIGN SERVICE BUILDINGS AND GROUNDS

Mr. BLOOM. Mr. Speaker, I have discussed with members of the objectors committee the bill (H. R. 4282) to amend the act entitled "An act for the acquisition of buildings and grounds in foreign countries for use of the Government of the United States of America," approved May 7, 1926, as amended, to permit of the sale of buildings and grounds and the utilization of the proceeds of such sale in the Government interest, and I ask unanimous consent to return to the consideration of that bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. CARTER. Mr. Speaker, reserving the right to object, I wish the gentleman would state briefly what this bill is intended to do.

The SPEAKER. The gentleman from New York has done that in considerable detail some time ago. The Chair suggests that the gentleman from New York [Mr. BLOOM] withdraw his request at this time and confer with the gentleman so that we may get on with other business.

Mr. BLOOM. Mr. Speaker, I withdraw my request at this time.

#### DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944

Mr. McCORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5566) to amend section 502 (a) of the Department of Agriculture Organic Act of 1944, for immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. BARDEN. May I call this matter to the attention of the House. These bills are not qualified under the rules of the House. No report has been submitted to anyone, and so far as I know, I just see what the title of the bill is and who it was introduced by. I have enough unpleasant duties without taking on this one, but,



so far, no one has had a glimpse at the report. If the House wants to pass it in this form, all right; I am not personally going to object.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman please explain this bill?

Mr. McCORD. This bill, Mr. Speaker, has for its purpose the granting of permission to rural-electrification associations to assume and take over some debts from the Tennessee Valley Authority, of money they have loaned to private electric corporations for extending rural electrification. Before rural electrification came into being the T. V. A. loaned money to those people at a rate of 3½ percent. The Rural Electrification Administration is now loaning money for that same purpose at 2 percent. This bill would put all of them under one Federal agency. It is agreeable to both the T. V. A. and the R. E. A. and has the unanimous consent of the Committee on Agriculture.

Mr. MARTIN of Massachusetts. How much is involved?

Mr. McCORD. Some 15 cooperatives are involved, and it amounts to about \$2,800,000.

Mr. MARTIN of Massachusetts. So that the Government will lose about \$1,500,000 of interest?

Mr. McCORD. Yes. The Tennessee Valley Authority would surrender about that amount of interest as R. E. A. would take over this indebtedness.

Mr. MARTIN of Massachusetts. At a lower rate of interest?

Mr. McCORD. Two percent.

Mr. MARTIN of Massachusetts. What is the justification for it?

Mr. McCORD. The justification is this: It enables those people that borrowed large sums of money from T. V. A. to borrow from R. E. A. at a lower rate, and will make a broader expansion of the program of rural electrification.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. SMITH of Ohio. I object, Mr. Speaker.

#### FARM SECURITY ADMINISTRATION

Mr. CASE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5563) to authorize the Administrator of the Farm Security Administration to exchange certain land of the United States within the Angostura irrigation project, Hot Springs, S. Dak., for certain land owned by the city of Hot Springs, S. Dak.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

The Chair is under the impression that consideration is being sought for a number of bills on which there are unanimous reports, but as to which the official objectors have not been consulted. The Chair is going to be put in a very embarrassing position if this procedure is followed.

Mr. FLANNAGAN. Mr. Speaker, this is one of the bills I spoke to the Speaker about.

The SPEAKER. The Chair understands that. Is there objection to the request of the gentleman from South Dakota?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of the Farm Security Administration is authorized to convey, subject to such conditions as he may prescribe, to the city of Hot Springs, S. Dak., all right, title, and interest of the United States in and to a tract of land within the Angostura irrigation project, Hot Springs, S. Dak., containing 474 acres, more or less, in exchange for title to a tract of land owned by the city of Hot Springs, S. Dak., situate near said city, containing 480 acres, more or less.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FOREIGN SERVICE BUILDINGS AND GROUNDS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4282) to amend the act entitled "An act for the acquisition of buildings and grounds in foreign countries for use of the Government of the United States of America," approved May 7, 1926, as amended, to permit of the sale of buildings and grounds and the utilization of proceeds of such sale in the Government interest. I understand that the gentleman who objected to the consideration of this bill on the call of the calendar has withdrawn his objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FISH. I object, Mr. Speaker.

#### TOWN OF SEWARD, ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4502) to amend the act of Congress approved May 20, 1935, entitled "An act concerning the incorporated town of Seward, Territory of Alaska," as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from Alaska explain this legislation?

Mr. DIMOND. The bill, which was reported unanimously by the Committee on the Territories, seeks to authorize the incorporated town of Seward, Alaska, to issue additional bonds for the purpose of buying out and paying for a privately owned electric utility plant, provided all the parties agree to the procedure, and to refund and consolidate its bonded indebtedness.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

Mr. DIMOND. Mr. Speaker, an explanation of the bill is contained in the report of the House Committee on Territories, and I present it for incorporation in the Record at this point:

#### REPORT TO ACCOMPANY H. R. 4502

The Committee on the Territories, to whom was referred the bill (H. R. 4502) to amend

the act of Congress approved May 20, 1935, entitled "An act concerning the incorporated town of Seward, Territory of Alaska," as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to authorize the incorporated town of Seward, Alaska, to purchase certain private utilities now supplying said town with electric current and with telephone service, to issue and sell its revenue bonds, to provide funds for paying for the property so purchased, and to refund outstanding bonds and to consolidate all of its revenue bonds in one issue. By act approved May 20, 1935 (49 Stat. 282), the town of Seward was authorized to construct and operate a municipal electric system, and provision was made in that act for purchase of the private electric utilities for a sum not to exceed \$75,000. The plan for purchase of the private utilities did not materialize because the owner declined to sell for the sum specified. Accordingly, a municipal plant was built and put into operation and has since been used, money therefor having been obtained by loan and grant from the Public Works Administration. The loan amounted to \$98,000, and revenue bonds were issued by the town of Seward to the Public Works Administration in that amount. Those bonds are now held by the Reconstruction Finance Corporation and constitute a first charge upon the plant. For some time past it has been evident that considerable economies could be effected through purchase by the city of the privately owned utilities, provided that the same could be purchased at a reasonable price, and by combining and consolidating the two plants and their operation. The city authorities believe that they can now purchase the private utilities at a reasonable sum and are desirous of carrying through the plan for such purchase and of selling revenue bonds in order to obtain money to pay the purchase price. In order to do this, it will be necessary to refund the outstanding bonds and to combine and consolidate all such bonds in one issue. With this in view, Congress enacted Public Law 115, Seventy-seventh Congress, approved June 21, 1941 (55 Stat. 253), but it now appears that in the opinions of the legal advisers of possible bond purchasers that act is insufficient to do what is desired, and consequently it becomes necessary to further enlarge the authority of the town with respect to the bonds desired to be issued so as to protect the bondholders, present and prospective. The authority sought is nothing unusual. In fact, under general law the cities of the various States now have and exercise such power as indicated by the following-quoted paragraph from the report dated August 3, 1944, on the bill of the chairman of the board of the Reconstruction Finance Corporation, as follows:

"The authority contained in the proposed legislation is such as municipalities usually possess and it would seem desirable for this town to have such power."

The bill has the approval of the Reconstruction Finance Corporation and the Department of the Interior as indicated by letter dated August 3, 1944, addressed to former Chairman GREEN by Hon. Charles B. Henderson, chairman of the board, Reconstruction Finance Corporation, and letter dated August 4, 1944, addressed to Mr. GREEN by Hon. Abe Fortas, Acting Secretary of the Interior. The bill does not impose any financial burden on the United States Government, and the Bureau of the Budget has no objection to its enactment. The bill does not obligate anyone to do anything. It merely gives the city authority to do certain things which seem desirable provided all the parties interested agree upon the plan of action.

The letters from Mr. Henderson and Mr. Fortas follow:

RECONSTRUCTION FINANCE CORPORATION,  
Washington, August 3, 1944.

HON. LEX GREEN,  
Chairman, Committee on the Territories,  
House of Representatives,  
Washington, D. C.

DEAR MR. GREEN: Reference is made to your letter of April 24, 1944, requesting a report concerning H. R. 4502, a bill to amend the act of Congress approved May 20, 1935, entitled "An act concerning the incorporated town of Seward, Territory of Alaska," as amended.

Under existing legislation this town has no authority to issue bonds for the purpose of financing improvements to the electric system which it now owns and operates. The proposed legislation will confer such power on the town and will in addition broaden the town's powers in other related respects, such broadening being designed to make any bonds issued pursuant to the statute more marketable.

The authority contained in the proposed legislation is such as municipalities usually possess and it would seem desirable for this town to have such power.

With kindest personal regards, I remain,  
Sincerely yours,

CHARLES B. HENDERSON.

THE SECRETARY OF THE INTERIOR,  
Washington, August 4, 1944.

HON. LEX GREEN,  
Chairman, Committee on the Territories,  
House of Representatives.

MY DEAR MR. GREEN: Reference is made to your letter of April 24 requesting a report on H. R. 4502, a bill to amend the act of Congress, approved May 20, 1935, entitled "An act concerning the incorporated town of Seward, Territory of Alaska," as amended.

The proposed legislation would authorize the town of Seward to construct or purchase extensions or improvements to the electric utility property acquired under the act of May 20, 1935, as amended, and would authorize the town council to issue additional revenue bonds to finance the purchase or construction of such extensions or improvements. The authority conferred by the bill would facilitate future financing of the Seward electric utility system and I have no objection to its enactment.

The Bureau of the Budget has advised me that there is no objection to the submission of this report to your committee.

Sincerely yours,

ABE FORTAS.

Acting Secretary of the Interior.

The SPEAKER. The Chair is wondering if, to avoid getting into this kind of embarrassing situation of Members rising all over the House after the Consent Calendar has been completed and asking for the immediate consideration of certain bills, the majority leader will not ask unanimous consent that at 11 o'clock some morning between now and adjournment, after the objectors have had the opportunity of looking over the bills, the Consent Calendar be called again. After the remarks of the gentleman from North Carolina and of the gentleman from Massachusetts [Mr. McCormack] and the gentleman from Massachusetts [Mr. Martin] about how hard the objectors have worked on the bills on this calendar, this procedure does not set very well with the Chair; and the Chair wonders if the majority leader, in order to stop this practice, will not

submit the request suggested by the Chair.

Mr. McCORMACK. I believe that in my remarks I said there probably would not be another call of the calendar. However, Members know that under the custom here if it is believed that bills can be passed by unanimous consent the Speaker will recognize Members at the proper time to request consideration of such bills; but the Members know that before making such requests they should take up the matter with the members of the committee concerned, on both sides of the aisle, at least the ranking members, and then take it up with the leaders on both sides of the aisle and then with the Speaker.

The SPEAKER. The Chair also asks that that be done in connection with all the bills for which Members are asking consideration now, bills that they say have unanimous reports from committees.

Mr. McCORMACK. Certainly. I assume that any Member who makes such a request has done that.

Mr. MARTIN of Massachusetts. The only difficulty is that four or five Members rise at the same time and want their bills considered immediately. Under those circumstances, it is difficult to give the bills proper consideration.

The SPEAKER. Will the gentleman from Massachusetts ask unanimous consent that on Monday next the Consent Calendar may be called?

Mr. McCORMACK. I will, Mr. Speaker. I ask unanimous consent that on Monday next it be in order to call all bills that are on the Consent Calendar at that time.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, when a bill is objected to today, ordinarily it would not again come up for consideration for 2 weeks, and at that time three objections would be required to strike it from the calendar. In order to protect those Members who have objected today to the consideration of bills, I believe that we should not require that three objections be made when the calendar is called next week, inasmuch as that is to be a special call of the calendar.

Mr. McCORMACK. Of course, that raises another question, because a call of the calendar on next Monday would be a separate and distinct call of the calendar.

Mr. MARTIN of Massachusetts. Mr. Speaker, it could be done either by continuing today's calendar call until next Monday, or it could be done by requesting that one objection would be sufficient.

Mr. McCORMACK. Mr. Speaker, I have no objection to that.

Mr. MARTIN of Massachusetts. Mr. Speaker, I think continuing the calendar until next Monday would be a fairer and more appropriate way of handling it.

Mr. McCORMACK. If we are going to have a call of the Consent Calendar on next Monday, those bills that have been objected to should be called, I believe. Now, when there has been but one objection to a bill the question of

making them be subject to the requirements of the rule that three objections are necessary, is an entirely different question. But does not the gentleman feel that bills which have already been called and to which there has been but one objection made, should be called next Monday?

Mr. MARTIN of Massachusetts. Mr. Speaker, they have had their day in court. What we are trying to provide is for someone who has not had his day in court.

The SPEAKER. Will the gentleman from Massachusetts withdraw his request temporarily, as the Chair believes it would be better to see if that matter cannot be settled later?

Mr. McCORMACK. Mr. Speaker, I withdraw my request temporarily because, although I have no objection, my personal opinion is that it should be in order to call bills which have been objected to today, with but one objection. Whether the one objection would be sufficient or not, we can discuss later.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act of Congress approved May 20, 1935 (49 Stat. 282), entitled "An act concerning the incorporated town of Seward, Territory of Alaska," as amended by the act of Congress approved June 21, 1941 (55 Stat. 253), is hereby amended by inserting after section 6 thereof the following new section:

"Sec. 7. The town of Seward is hereby authorized at any time or times to construct, purchase, or otherwise acquire improvements, betterments, or extensions to any electric or other utility properties owned or to be owned by the town of Seward pursuant to this or any other section of this act, and shall be authorized to issue its revenue bonds to finance in whole or in part the cost of said improvements, betterments, or extensions (including the cost of integrating the systems which may be acquired under section 6 of this act with the properties theretofore owned and the cost of integrating any other newly acquired properties with those theretofore owned), which bonds may be made payable and be secured in the same manner as other revenue bonds authorized to be issued pursuant to any other sections of this act, and shall be issued in compliance with other bond provisions contained in this act, so far as applicable. The issuance of bonds for the purpose or purposes provided in this section may be combined and consolidated with the issuance of any other bonds elsewhere authorized in this or any other section of this act to be issued for any other purpose or purposes, all of which bonds shall in such case constitute a single issue. The provisions of section 6 of this act, which require the consent of holders of outstanding bonds and the approval of electors to the acquisition of the Seward Light & Power Co. properties therein mentioned and to the issuance of any bonds therefor, shall not be applicable to the issuance of bonds for any other purpose under this act.

"The town of Seward is hereby authorized at any time or times to issue its refunding revenue bonds to refund revenue bonds then outstanding pursuant to this or any other section of this act, together with accrued interest thereon and on any unpaid matured coupons pertinent thereto. Said refunding bonds may be made payable and be secured in the same manner as any other bonds authorized to be issued pursuant to this act, and shall be issued in compliance with other



bond provisions contained in this act, so far as applicable.

"Any of the bonds issued pursuant to this or any other section of this act may be sold to and purchased by Reconstruction Finance Corporation or any other purchaser without any proceedings or the happening of any conditions or things other than those specified in this act and without the necessity for compliance with any provisions of any other act, it being intended that this act shall be complete authority for the issuance of the bonds herein authorized, and any restrictions, limitations, or regulations relative to the issuance of bonds which may be contained in any other act shall not apply to the bonds issued pursuant to any section of this act. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Territory of Alaska."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ILLINOIS AND MICHIGAN CANAL

Mr. SABATH. Mr. Speaker. I ask unanimous consent for the present consideration of the bill (H. R. 4626) to declare a portion of the Illinois and Michigan Canal a nonnavigable stream. The bill calls for the filling of an old, old ditch which has not been used for 50 years.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I would rather think this is one of the bills that should go over with the rest of the bills. There are a half dozen people here who are in the same position as the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, I have never asked for any special privilege. I am not asking for it now, but there should be no objection in view of the fact that it was unanimously reported by the Committee on Rules as well as the committee having jurisdiction of the subject matter.

Mr. MARTIN of Massachusetts. Mr. Speaker, everybody else has a bill and is in practically the same position as the gentleman from Illinois. I think all should have a chance or none.

Mr. SABATH. Mr. Speaker, we have a rule on this bill, and I wanted to save the time of this House.

Mr. FISH. Mr. Speaker, if the gentleman will yield, although the Committee on Rules has granted a rule on this bill, I hope as a courtesy to the gentleman from Illinois and in view of the fact that the Committee on Rules has reported a rule unanimously, that the unanimous consent be granted. The gentleman from Illinois has not asked for any special privilege. There is a rule on it and the gentleman is seeking to save time, rather than call it up under the rule.

Mr. MARTIN of Massachusetts. Mr. Speaker, this is an unusual practice for the Committee on Rules not to want to take a bill up under the rule.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, further reserving the right to object, will the gentleman from Illinois explain what the bill does?

Mr. SABATH. Mr. Speaker, it is to fill in an old canal that has not been used

for 50 years, because a newer canal adjoining it, which was built about 50 years ago, has made the old canal useless. It is an objectionable stream and it has not been used for traffic during all this time.

Mr. MARTIN of Massachusetts. Who has requested this legislation?

Mr. SABATH. The city of Chicago.

Mr. MARTIN of Massachusetts. Is the city of Chicago going to pay the bill?

Mr. SABATH. There is no expense involved to the Government.

Mr. MARTIN of Massachusetts. We are just merely giving them authority to fill in the old canal?

Mr. SABATH. This bill declares this old canal a nonnavigable stream; that is all. It has been a nonnavigable stream for 50 years. The report shows that.

Mr. MICHENER. Mr. Speaker, if the gentleman from Massachusetts will yield, as a matter of fact, I was opposed to this bill back yonder, before the Illinois people and the rest of the country took so much water out of Lake Michigan.

But this bill in no way interferes with any water going out of Lake Michigan. It is just the filling up of an old ditch that they called a canal at one time, which was abandoned when they took the water from Lake Michigan, which we thought they should not do.

Mr. SABATH. This was built over 100 years ago. It has not been used for over 50 years.

Mr. MARTIN of Massachusetts. You are a little late in getting around to filling it.

Mr. SABATH. The city council of the city of Chicago passed a resolution on March 15, 1944, urging the declaring of the canal to be an unnavigable stream and without taking up the further time of the House in explaining the need for the closing of that portion of the canal set forth in the bill, I insert the resolution of the city council which more fully explains the situation and the need for the passage of the bill. The resolution of the city council is as follows:

"Whereas the Illinois and Michigan Canal, as originally constructed through the city of Chicago and the county of Cook, Ill., has been in disuse for a number of decades, has no current and the bottom of the channel is filled with stagnant water and constitutes a nuisance; and

"Whereas the sanitary and ship canal built by the sanitary district of Chicago is the Lake Michigan end of the Lakes-to-Gulf deep waterway and is capable of handling the traffic for this route, parallels the Illinois and Michigan Canal, and is but a few hundred feet from it; and

"Whereas the existence of the Illinois and Michigan Canal adds to the difficulty of carrying out a proper urban development in that portion of the city of Chicago and Cook County, making it necessary for the local governmental bodies in providing for highway traffic and for transportation companies to construct and maintain unnecessary bridges and other structures: Therefore be it

"Resolved, That it is the sense of the city council that in the interest of a more orderly and economic development of this community and the abatement of a nuisance the Illinois and Michigan Canal should be declared an unnavigable stream; and be it further

"Resolved, That the city council of the city of Chicago does hereby petition the Congress

of the United States of America and the General Assembly of the State of Illinois to pass the necessary legislation declaring the Illinois and Michigan Canal as unnavigable between the east line of South Ashland Avenue in the city of Chicago and the boundary line between Cook County and Will County; and be it further

"Resolved, That the city clerk be and he is hereby directed to forward copies of this resolution to Hon. SCOTT W. LUCAS and Hon. WAYLAND C. BROOKS, United States Senators from Illinois, and to the Members of the House of Representatives representing Cook County and the city of Chicago in the Congress, as well as to the Governor of the State of Illinois and the members of the legislature from Cook County."

#### STATE OF ILLINOIS,

##### County of Cook, ss:

I, Ludwig D. Schreiber, city clerk of the city of Chicago, do hereby certify that the above and foregoing is a true and correct copy of the certain resolution adopted by the City Council of the City of Chicago at a regular meeting held on the 16th day of March A. D. 1944.

Witness my hand and the corporate seal of the said city of Chicago this 31st day of May A. D. 1944.

[SEAL]

LUDWIG D. SCHREIBER,  
City Clerk.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That all that portion of the Illinois and Michigan Canal extending from the east line of South Ashland Avenue, in the city of Chicago, Ill., to the boundary line between Cook and Will Counties be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States of America.

SEC. 2. That the right of Congress to alter, amend, or repeal this section is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. If the Consent Calendar is called again at this session, or in the next session, and the present occupant of the chair holds the same position, bills that are not eligible, which the committee has not prepared in time to have them eligible, will not be called, unless they present matters of great emergency. That applies to next Monday, if the calendar is called at that time.

#### TRANSFERRING LAND IN NACOGDOCHES COUNTY, TEX., TO THE UNITED STATES FOREST SERVICE

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5551) to transfer certain land in Nacogdoches County, Tex., to the United States Forest Service.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, how far are we going?

The SPEAKER. The Chair intends to recognize one other Member and that is all. Is there objection to the consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

CONVEYANCE OF RAILROAD BRIDGE NEAR  
TOPOCK, ARIZ., TO THE STATES OF  
ARIZONA AND CALIFORNIA

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4910) authorizing the Atchison, Topeka & Santa Fe Railway Co., or its successors, to convey to the States of Arizona and California, jointly or separately, for public highway purposes, an existing railroad bridge across the Colorado River, formerly known as the Red Rock Bridge, near Topock, Ariz.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what does this bill provide?

Mr. HARLESS of Arizona. The railroad has abandoned this bridge and they have to tear it down in 90 days unless it is transferred through this legislation.

The committee reported the bill out unanimously and I wanted to get it passed today, because the 90 days will expire and they will have to start tearing it down. We can use it for a highway bridge between Arizona and California.

Mr. MARTIN of Massachusetts. The gentleman seems to have a rather urgent situation. I withdraw my reservation of objection, Mr. Speaker.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Atchison, Topeka, & Santa Fe Railway Co., or its successors, is hereby authorized to convey to the States of Arizona and California, jointly or separately, the existing railroad bridge and approaches thereto, across the Colorado River, formerly known as the Red Rock Bridge, located near Topock, Ariz., which bridge has been or will be superseded by realignment of a portion of the Atchison, Topeka, & Santa Fe Railroad and construction upstream from said existing bridge of a new railroad bridge.

SEC. 2. The States of Arizona and California, jointly or separately, are hereby authorized to accept title to, and thereafter to construct, reconstruct, maintain, and operate said bridge, as a free highway bridge, and approaches thereto in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906 (U. S. C., 1940 ed., title 33, ch. 11), and subject to the conditions and limitations contained in this act.

SEC. 3. There is hereby conferred upon the States of Arizona and California, jointly or separately, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, reconstruction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSENT CALENDAR

Mr. DISNEY. Mr. Speaker, do I understand there will be a call of the Consent Calendar on next Monday?

The SPEAKER. It is hoped so.

TRANSFER OF CERTAIN LANDS BY THE  
STATE OF MONTANA FOR THE USE OF  
THE UNIVERSITY OF MONTANA

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4917), an act conferring upon the State of Montana authority to exchange for other lands certain lands selected by the State of Montana for the use of the University of Montana for biological station purposes pursuant to the act of March 3, 1905 (33 Stat. 1089), with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 5, insert "The land acquired by the State of Montana under this act shall be held for the use of the University of Montana as if it had been granted by the United States to the State of Montana by the act of March 3, 1905 (33 Stat. 1089), and a recital to this effect shall be included in the deed by which the land is conveyed to the State."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendment.

Mr. PETERSON of Florida. This gives the consent of the Government to trade a small tract of land which the Government originally gave to the Biological Survey of Montana, for another tract. The amendment requires the same restrictions in the second tract as are in the first.

I think it is a good amendment. Our own committee came near putting the amendment in when we reported the bill.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was agreed to. A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made a little while ago with respect to the bill H. R. 4502 and to include therein the committee report.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from California [Mr. GEARHART] may extend his

own remarks in the RECORD on two subjects and include therein articles and editorials.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentlewoman from Ohio [Mrs. BOLTON] may address the House for 30 minutes on next Friday after the disposition of business on the Speaker's table and other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent that I may address the House for 1 hour on Wednesday next after disposition of business on the Speaker's table and other special orders.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

TRANSFER OF CERTAIN LAND IN NACOGDOCHES  
COUNTY, TEX., TO THE FOREST  
SERVICE

Mr. FLANNAGAN. Mr. Speaker, I renew my request to take from the Speaker's table the bill (H. R. 5551) to transfer certain land in Nacogdoches County, Tex., to the United States Forest Service, and ask for its immediate consideration. I understand the gentleman from New York [Mr. TABER] has withdrawn his objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. FLANNAGAN. The object of the bill is simply to give the Farm Security Administration authority to pass title to the Forestry Service to a certain tract of land in Texas containing about 2,900 acres.

Mr. MARTIN of Massachusetts. It applies only to that one tract of land?

Mr. FLANNAGAN. Only to that one transaction.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That upon the written consent of the majority of directors, Texas Rural Communities Corporation, the Secretary of Agriculture is hereby directed to convey, grant, transfer, and quitclaim forthwith to the United States, for subsequent administration as a part of the Angelina National Forest and subject to all laws and regulations applicable thereto, all right, title, claim, interest, equity, and estate in and to the following-described lands administered by the Secretary as trustee, under an agreement of transfer, dated October 31, 1939, with the Texas Rural Communities Corporation and situated in the county of Nacogdoches, State of Texas, together with the improvements



thereon and the rights and the appurtenances thereunto belonging or appertaining, to wit:

Two thousand four hundred and ninety-nine acres, more or less, located in Nacogdoches County, Tex., and known as the Nacogdoches farms project of the Farm Security Administration of the War Food Administration, within the United States Department of Agriculture.

Sec. 2. Until such times as the Congress by concurrent resolution, or the President, terminates the functions, powers, and duties of the War Food Administrator or the War Food Administration, the authority vested in the Secretary of Agriculture by this act shall be exercised by the War Food Administrator.

Sec. 3. The Chief of the Forest Service is hereby directed to cooperate with the Stephen F. Austin Teachers College, Nacogdoches, Tex., in order to utilize, insofar as practicable, the property transferred pursuant to this act as a forestry experiment station and to enter into such appropriate agreements as a basis for such cooperation as he may, from time to time, deem necessary or advisable. Such use is found to be in the general interest of rural rehabilitation.

Sec. 4. Any such transfer shall not be deemed to impose any liability upon the Secretary of Agriculture (or War Food Administrator, as the case may be) with respect to his obligations under such agreement to transfer of October 31, 1939.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RATE OF TAX UNDER FEDERAL INSURANCE CONTRIBUTIONS ACT

Mr. SABATH, from the Committee on Rules, submitted the following privileged report on the bill (H. R. 5564) to fix the rate of tax under the Federal Insurance Contributions Act on employer and employees for the calendar year 1945 (Rept. No. 2013), which was referred to the House Calendar and ordered to be printed:

##### House Resolution 667

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5564) to fix the rate of tax under the Federal Insurance Contributions Act on employer and employees for the calendar year 1945; that after general debate, which shall be confined to the bill and shall continue not to exceed 3 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. No amendments shall be in order to the bill except such as relate to the rate of tax for the calendar year 1945. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### PUNISHMENT FOR WILLFUL INJURY OR DESTRUCTION OF WAR MATERIALS OR UTILITIES

Mr. SABATH. Mr. Speaker, I call up House Resolution 566 for immediate consideration.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order

to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3442) to amend sections 1, 2, and 3 of the act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918, as amended (40 Stat. 533; U. S. C., title 50, secs. 101, 102, and 103). That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SABATH. Mr. Speaker, this rule makes in order a bill known as the Sabotage bill, H. R. 3442. The rule provides for 1 hour's general debate and the reading of the bill under the 5-minute rule.

The Member [Mr. HOBBS] who filed the report and appeared before the committee is thoroughly familiar with the intent and purpose of the bill and can more adequately explain its provisions. I shall not, consequently, take any time but will yield to him as soon as he desires such time as he may need to explain the bill.

Mr. Speaker, I now yield 30 minutes to the gentleman from New York [Mr. FISH] and reserve the remainder of my time.

Mr. FISH. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this rule was adopted by a unanimous vote and makes in order the so-called Hobbs antisabotage bill and permits the offering of any and all germane amendments.

This rule was granted last May, and I am somewhat vague about the opposition that arose to the bill at that time. There was some opposition, but I believe it will be brought out in the committee. I think the opposition was from labor organizations in regard to certain penalties, perhaps the death penalty, contained in the bill. I prefer that those matters be discussed in committee rather than under the rule. The rule provides for 1 hour's general debate. I hope that the House will give very careful consideration to this rather ancient bill and find out if there is anything contained in the bill that might imply something different from what is generally conceived to be the meritorious purposes of it.

Mr. Speaker, I have the greatest admiration for the Judiciary Committee and its members. That committee is composed of very able, hard working Members of Congress. However, my recollection goes back to some time ago when that committee brought in a bill, known as the antisedition or Gestapo bill, which amended the Constitution of the United States by law and redefined "treason," already clearly defined in the Constitution. We had 2 or 3 days' debate on the bill, and then I offered an amendment which was adopted and that put

an end to the bill because although we passed it over to the other body it has never been heard of since. I am wondering whether this bill needs anything of that kind by way of amendment.

I happen to be one of those Members of the House, and I think all Members are agreed, who believe in free speech and who believe that free speech is the essence of Americanism without which we cease to have a free America. After considerable debate I offered a new section to the so-called Gestapo bill which reads as follows:

Nothing in this act shall be construed to prevent any citizen or citizens or any newspaper or other publications at any time from freely discussing or openly criticizing the domestic or foreign policies of the administration or the Federal Government or of any public official, or from discussing or criticizing any existing or proposed law, regulation, directive, or Executive order.

That amendment was agreed to and was written into the bill, but I presume it destroyed the purposes of the bill, as it has never been heard of since that time.

Mr. Speaker, as far as I know this is sound, meritorious legislation; but it may need clarifying amendments. However, I want to take some time to comment on the recent sedition trial which for the time being has come to an end through the unfortunate death of Judge Eicher. I have been alarmed and disturbed, not as a Member of the House but as an American citizen, about this whole trial from beginning to end. I believe that the law passed by the Congress on July 28, 1940, known as the peacetime sedition law, but actually the alien registration law, has been abused and misused by the Department of Justice which has stretched it far beyond its original purposes.

It never was voted upon by any Member of the House for the purpose for which it was used in this so-called conspiracy trial to drag 26 or more American citizens from all parts of the Nation here to Washington to be tried on charges of a conspiracy to foment insurrection, mutiny, and disobedience of our armed forces. That section of the bill was adopted at the request of the Navy to prevent the Communists from circulating and distributing revolutionary leaflets on board battleships, but it has been used as a dragnet to bring all these alleged seditionists from all parts of the Nation who have never seen a battleship to Washington for trial here—I believe contrary to the provisions of the Constitution that guaranteed that they shall be tried in the district where the alleged crimes were committed, article III, section 2:

Such trials shall be held in the State where the said crimes shall have been committed.

These alleged seditionists were also entitled to the benefit of that clause of the Constitution that prescribes an impartial and speedy trial, amendment VI, Bill of Rights:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed.

These indictments were made 1, 2, and 3 years ago. The trial has been going on for 7 months. These so-called seditionists have never had a chance to defend themselves or even to answer the charges in open court. It has all the earmarks of persecution, not prosecution. I am not here to defend any one of them specifically but generally in their right to free speech and free criticism in time of peace. I am alarmed and somewhat shocked that no great American constitutional lawyer has raised his voice or offered his services free in defense of free speech and a free press in time of peace. I have always believed that the real reason for these charges and persecution of 90 percent of these outspoken American citizens was because they had openly and bitterly criticized the administration, attacked communism, and had opposed our entrance into the war before Pearl Harbor along with 80 percent of the American people which was their right as free American citizens under the Constitution. If they had committed sabotage, then it was the duty of the Department of Justice to show where they had committed it. No witness or Member of Congress who advocated section 1 of the Alien Registration Act ever imagined that the law could be used to punish individuals who uttered or wrote criticisms considered objectionable by the administration, particularly when they do not constitute a clear or present danger of mutiny, disobedience, or desertion in our armed forces.

I remember what Thomas Jefferson, according to history, had to say against the sedition laws of 1798, when political opponents of the Federalists then in power were hauled into court, condemned, sentenced, and sent to jail. When that great Democrat, Thomas Jefferson, came into office, he released them all and denounced the peacetime sedition law in the strongest kind of language. I will place in the *RECORD* at this point what Thomas Jefferson had to say in a letter to Mrs. John Adams, written at the end of his first term:

I discharged every person under punishment or prosecution under the sedition law because I considered and now consider that law to be a nullity, as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image; and that it was as much my duty to arrest its execution in every stage as it would have been to rescue from the fiery furnace those who should have been cast into it for refusing to worship the image.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. The golden image in the present instance is the foreign policy of the New Deal administration prior to Pearl Harbor, and those who failed to fall down and worship it before Pearl Harbor have been charged and in some instances indicted under the provisions of the present-day Sedition Act of 1940.

I do not know and I do not care what action the Department of Justice takes. All I know is that these poor men and women, little people, obscure people, with no money to hire their own counsel to defend them, have been dragged all the way across the continent here to Washington to be defendants in a conspiracy trial most of them not even knowing the other defendants. The most unfair and objectionable aspect of such a trial is that a charge against one runs against all. Some of these defendants were kept in jail for months unable to furnish bond in this type of conspiracy case. What I am fearful of—and I am not defending any one of them specifically because I do not know about all of the charges, and make no pretext to—but what I am alarmed about is this effort by the Department of Justice to use these conspiracy cases to dragnet American citizens, clergymen, editors, writers, and speakers from all parts of the Nation on no specific charges or bill of particulars. I am convinced that the Department of Justice has made a serious error in attempting to abridge freedom of speech and the press in violation of the Constitution of the United States and contrary to the intent of Congress. If this trial had continued and the Department of Justice had succeeded in establishing such an unfortunate and unhappy precedent, carried to its natural and logical conclusion it would mean the setting up of a Gestapo in America that would rival that of Hitler's and destroy freedom of speech and of the press and endanger life, liberty, and the pursuit of happiness guaranteed to every American citizen by the Constitution.

Back in the old days of Thomas Jefferson, when Aaron Burr was tried for direct treason under the Constitution, he had the ablest lawyers in the United States, who volunteered to defend him. Has the flame of freedom, has the flame of liberty, burned so low in America that great constitutional lawyers are afraid—that is the word—afraid to defend and protect the right of free speech of these poor little people, because of fear that they will be smeared by the Communists, by the fellow travelers, by all those evil forces who seek like termites to undermine and destroy our free institutions and who know the technique of smear, because of fear that anyone who raises his voice in defense of any man charged with criticism of the administration or who denounces communism is un-American himself, and is a stooge for the Nazis or a dupe for the Fascists? This kind of smear has gone so far that the great constitutional lawyers are fearful themselves, fearful to defend the constitutional right of free speech and of free criticism. That is why I offered that amendment to the old so-called Gestapo bill, and perhaps it should be offered to this bill.

What I am saying is not in defense of any one of these men or women. I am defending only their right to free speech in time of peace and to an impartial trial, and a trial where the crime is committed, and that there should be clear and sufficient evidence that it was committed and that the alleged crime

should constitute a clear or present danger of mutiny, disobedience, or desertion in our armed forces. After 7 months of trial—and I am no expert on it—I have seen no statement in the press that anything has been proved that they attempted to cause a mutiny or desertion, these little preachers, these little writers, these little editors and speakers, who probably never saw a warship in their life or an army camp, and who are charged with causing mutiny and insurrection in a world-wide conspiracy.

I wonder if we are not going too far in this use of the charge of conspiracy by the Department of Justice. I am sure, knowing the Attorney General as I do, that he was not in favor of this type of conspiracy trial. To me, it has gone far beyond the purposes of the law and the Constitution, and that is why I am speaking here today—the law that you and I voted for, to prevent the Communists, according to the testimony given in the committee where the bill originated, from distributing communistic leaflets on board battleships to cause insurrection, desertion, and mutiny. That was the purpose of the law. Instead of that, the Department of Justice has used this law to indict 30 or more American citizens on a conspiracy charge of being in a world-wide plot to promote insurrection in the United States for criticizing, for speaking publicly, for expressing their views on the domestic and foreign policies of the administration, and on communism, with no direct connection with causing mutiny in the armed forces or insurrection in America.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. FISH. I yield myself 2 more minutes. Perhaps, too, if I were not a lame duck Member of Congress I might be hesitant to express my views in defense of freedom of speech, which we and our sons are fighting for all over the world, and which should be safeguarded at home. Certainly the "four freedoms" should have priority in America.

It may very well be that these freedoms are being denied in America. I expect to vote for this bill because I believe in the apparent purposes of the bill. Those who commit sabotage, willful sabotage, should be punished and punished severely. But I must say that I am somewhat alarmed at the trend in a great country such as ours, built upon freedom and liberty, that we have strayed so far from the fundamental principles of Thomas Jefferson, and what he had to say against peacetime sedition laws. I hope that this trial, if it comes to an end, will be the last trial of this nature, a conspiracy trial in peacetime, on the basis merely of what some American citizen had to say. If there is any one thing we hold dear on both sides of the House, it is the right to free speech. Whether the chairman of the Committee on Rules or myself disagree or not, I will always defend his right to free speech, as well as anybody else's right in Congress or out. I have been a liberal in politics all my life. What is a liberal? The word "liberal" comes from the Latin word "liber" which means free—free speech,



free press, freemen, free America. That is my political philosophy. The very people I am opposed to, the Communists, the Reds and the fellow-travelers, would destroy that. Anybody who stands up for free speech and is a liberal and against the Communists, dictatorship and totalitarianism is repudiated, attacked, purged, and smeared, as if he was doing something un-American, and against our American form of government. No man would do more to send a saboteur to jail or to his death than I, but no man will do more to uphold the right of every American to freedom of speech and to a free press. And I uphold it for Communists, as well as Republicans and Democrats. I hope as a result of this trial, the American people will find out finally, what it is all about, that it is an attempt to purge little Americans with no financial means and shut the mouths of these obscure and average Americans who dared oppose the foreign policies of the President prior to Pearl Harbor, who dared to attack communism, and even were openly anti-Semites, as much as I deplore that, they have a right as American citizens to be that or anything else, anti-Protestant or anti-Christian. I will defend their right to be what they want, as long as it is within the law of the United States and within the confines and limitations of the Federal Constitution.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, everyone within the sound of my voice, of course, is in accord with the gentleman from New York [Mr. FISH] in his advocacy of free speech. We all are all-out for the Constitution of the United States and the Bill of Rights. Therefore, we have nothing but praise for the objective which he was lauding, and to which he has ostensibly directed his remarks. But let me call your attention to the fact that neither the bill which the gentleman from New York [Mr. FISH] is talking about, that was passed several years ago, nor his amendment of that bill, has anything in common with the bill we are about to begin considering. Neither should what the gentleman has been pleased to call the sedition case on trial in court, downtown, be tried here as though there were any provision of pending legislation that had any bearing upon any question involved in, or growing out of that wholly distinct and separate case.

This bill seeks to expand the coverage during wartime of the law against sabotage. That is all. There are five amendatory provisions that seek to plug loopholes that experience has shown to exist in the law against sabotage.

In order that you may have it clearly in your mind, I am going to suggest to you what they are. These five amendments are approved by every single member of the Committee on the Judiciary; not simply by a majority but with absolute unanimity.

First. The bill would punish a man for knowingly selling defective war material to our Government or our allies. Under

the existing law only persons who are chargeable with making it defectively may be punished. An example of the need for this extension is the case where war material is made defectively without anyone being to blame. It gets to the final inspection and is discovered to be defective. Then the inspectors and corporate officials arrange to fake the final inspection and ship it on to the Government. This is the Anaconda Wire & Cable Co. type of case. Since the existing law punishes only defective manufacture, it can be argued that faking the final inspection does not come within it since the material is complete when it reaches that stage. That is one of the major reasons why the Anaconda case had to be prosecuted as fraud against the Government rather than sabotage. Under the bill these persons would be covered because they caused defective material to be sold to the Government.

Another example of what would be covered by this extension is this: An ordinance company had on hand a large number of detonators for bombs. These were made properly but kept around unused for years so that they became rusty, waterlogged and inoperable. Nevertheless they were placed in bombs and sold to the Government though the seller knew they were unusable.

A third example is the case in which an arms broker in New York City bought up 2,000,000 rounds of ammunition which had been made under contract with the French Government and rejected because it was defective. He bought it up at junk prices and attempted to sell it to the Russian Government as first-quality ammunition.

Second. The existing law does not cover persons who carry away, conceal, or tamper with war material without actually damaging or injuring it. Such acts, committed with reason to believe that they would injure the war effort, are made punishable under the bill. An example of the need for this was the case where men working on a tank assembly line hid some necessary parts to keep the next shift from beating their production records. The plant gives a bonus to the shift having the highest production. This has happened frequently. In some cases it has occurred in connection with steel furnaces where necessary valves and regulators were hidden to prevent operation of the furnace by succeeding shifts.

Another type of case which has occurred is where vital irreplaceable parts were stolen and held for ransom. All of these acts would be included in "concealing" or "carrying away" war material within the meaning of the bill.

The bill would also cover the case in which certain persons, not long ago, dumped a whole carload of magnesium on the railroad tracks for reasons of spite. Another example of this type of case is where a large aircraft plant had many hundreds of thousands of tiny parts separated by sizes into different bins. The parts in the different bins differed in size by only a few thousandths of an inch. A workman, bearing a grudge against the foreman, dumped the bins and mixed the different parts up,

thus rendering them useless for all practical purposes. These acts, which are very harmful to war production, would be "tampering with" war material under the bill.

Third. The bill would extend the existing law to any material used or useful for the conduct of the war. The present law applies only to defined categories of war material, war premises, or war utilities. An example of the need for this is the case where a large plant making mortars and shells had 250,000 different molds for castings and only 1 copy of a list and index to the molds. A workman, out of anger at the company, destroyed that 1 copy. The company could not use any of the molds until they had all been carefully examined, measured, and reindexed. The list, a piece of paper, is not included as "war material, premises, or utilities" under the existing law and prosecution could not be undertaken.

Fourth. The existing sabotage law does not punish conspiracies to commit sabotage. These are punishable under the general conspiracy section of the code, title 18, United States Code, section 88, which carries the penalty of 2 years. A conspiracy to commit sabotage is certainly as grave an offense as sabotage itself. Under the bill conspiracy would be punished the same as the substantive act of sabotage.

Fifth. The bill extends the definition of "associate nation" and "Government of the United States" so that these terms include corporations producing property for the United States or Allied governments or furnishing property thereto. This is necessary because many persons selling war materials deal with prime contractors or purchasing corporations organized or acting for Allied governments rather than with the United States or Allied governments direct. Thus the man who sells defective war material to the Amtorg Corporation for shipment to Russia or to the Ford Motor Co. for use on a Government contract, would be as guilty as the man who sells defective war material to the Government direct.

Mr. KERR. Will the gentleman yield.

Mr. HOBBS. I will be delighted to yield to my colleague.

Mr. KERR. Do you have any knowledge of any such action of that kind?

Mr. HOBBS. The testimony before our committee by the representatives of the Department of Justice, that Department of our Government that has to do with the enforcement of the antisabotage laws, was that they had more than a hundred cases with which they were unable to deal because of these five loopholes in the law. That is why they asked that we implement the law still further by patching those holes.

Those are the five amendments proposed by the pending bill, as to which there is perfect agreement. In addition to them there are proposed as committee amendments, two highly controversial changes in the bill as drawn. These will be discussed during the debate of the bill.

This bill applies only "when the United States is at war."

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am so glad to yield to my friend from Michigan.

Mr. DONDERO. Just a brief question; are there any cases that fall within the purview of these proposed amendments now arising out of acts against our Government?

Mr. HOBBS. Over one hundred, according to the undisputed testimony of officials of the Department of Justice who appeared before us. At that time there were more than one hundred we were unable to touch except on the theory of fraud, the maximum punishment for which is a fine and not more than 2 years' imprisonment.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the gentleman, one of the ranking members of the Committee on the Judiciary.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Alabama.

Mr. MICHENER. My question is this: We are hearing so much over here about the fact that this bill was introduced on October 13, 1943, was reported by the committee on November 5, 1943; a rule was granted on May 26, 1944, but nothing has been done about it until now. Most of us have forgotten the details of the bill and many Members are wondering why the bill has been stymied all this time if it is necessary legislation in the war effort.

Mr. HOBBS. The testimony before our committee was unanimous that it is necessary and vital to the war effort. The reason that the Rules Committee refused to grant a rule, or did not grant a rule, from the fall of 1943 until May of 1944, I do not know, nor can I possibly understand, not being a member of that committee and having appeared before it a number of times in advocacy of the rule.

Mr. MICHENER. I may say the fact that there is a minority report signed by 13 Members, of which the gentleman now speaking is one, against the enactment of the bill had some weight undoubtedly in the Rules Committee.

Mr. HOBBS. Oh, no, sir. The minority report favors the enactment of the bill, the whole bill, and nothing but the bill. It is against the adoption of the two emasculating amendments proposed to the bill by a majority of those members of the committee who happened to be present when those particular votes were taken in that committee meeting. May I point out, sir, that since May the House has been in almost constant recess, and when not in recess we have struggled under the inhibition against anything controversial in the way of legislation being considered. That accounts for every hour of the time since our committee reported the bill. I hope that that will not militate against favorable consideration of a most meritorious piece of legislation which everybody who knows anything about the facts, including the

Army, the Navy, and especially the Department of Justice favors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON of California. Mr. Speaker, on last Saturday the traditional Army and Navy game was played with the usual ceremony in Baltimore, but unfortunately the Navy absorbed three torpedoes and one depth charge and went down with the flag flying. The usual trophies and souvenirs were distributed before the game.

Mr. Speaker, I wonder how those fine American boys who played the game for the Army and Navy and the fighting men out on Leyte would feel if they knew these little trophies that were handed out were all stamped "Made in Japan"? I wonder how many people who bought them realized those were made by an enemy of our country, a country we are fighting against today? I wonder how, under the blue sky, any organization or any individual had intestinal fortitude enough to fasten these little tin footballs stamped "Made in Japan" on ribbons and sell them at a premium during the football game last Saturday.

Let us start another scrap drive and dump this stuff in it along with the Japs.

Mr. HOFFMAN. Will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman will notice that all the boys did with the football out there was to kick it around.

Mr. ANDERSON of California. That's right and just as soon as they graduate from their respective academies they will do their share of kicking the Japs and the Germans around, but I think they would all feel better if they knew that the souvenirs of last Saturday's classic were marked "Made in U. S. A."

Mr. FISH. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain excerpts from various papers and documents.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I, too, have been somewhat bewildered by the delay in bringing out this bill which is said to be a necessary war measure. That is, I was until the gentleman from Michigan [Mr. MICHENER], a member of the Rules Committee, called attention to the fact there was a minority report signed by 13 of the members of the Judiciary Committee.

In glancing over the bill I notice that on page 2 it provides, "That whoever, when the United States is at war, knowing that his act may injure, interfere with, or obstruct the United States in preparing for or carrying on war" shall be punished.

I would like to ask the author of the bill or the sponsor of the bill, the gentleman from Alabama [Mr. HOBBS], whether that provision would apply to those who the Secretary of the Navy, the Assistant Secretary of the Navy, the Assistant Secretary of War, have several times said interfered with the production of war materials, with the building of ships and with their departure from our ports. I would like to know whether that language applies to individuals and organizations which deliberately hold up war production.

Mr. HOBBS. In reply may I say to the gentleman that if he is referring to the right to strike and those who have exercised it, it does not.

Mr. HOFFMAN. It just seems to me—and I say this with all due respect to whoever may have drafted the bill—if that bill does not apply to those who interfere with the production and transportation of war material, why does it not apply to them?

The bill on line 3 states:

That whoever, when the United States is at war, knowing that his act may injure, interfere with, or obstruct the United in preparing for or carrying on war shall be punished.

That language applies to all those who refuse to produce war material, does it not; who refuse to transport war material? I have no fault to find with the bill if it does apply to them. I think it should. I think it was this morning's paper, or Saturday's paper anyway, that carried a statement to the effect that several thousand men are refusing to produce war materials, and it has not been a month since the President of the United States said that our failure to furnish these men with the things they need on the battle fronts was resulting in the loss of lives.

Now I ask the gentleman: Why does the bill not cover those who are refusing to produce as well as those who injure? I take it that under this bill if a man should do something to a tank or a plane or a gun after it was manufactured which would interfere with its use by the Army or the Navy, that would be covered; would it not?

Mr. HOBBS. Yes.

Mr. HOFFMAN. But it does not cover the man who says he will not make the gun or the tank or the plane, or who leaves it partly finished, only a half or a quarter finished. Suppose the gun or suppose the plane is all ready to go; it is a fighter or bomber, or whatever it is that they use, have need for—that needs a bomb sight on it, and the men who are in the plant, upon whose activity depends the production of that bomb sight, go home for one reason or another, or no reason at all, you cannot do a thing with them under this bill; can you?

Mr. HOBBS. No.

Mr. HOFFMAN. Why not?

Mr. HOBBS. I will be delighted to answer if the gentleman will kindly permit.

Mr. HOFFMAN. Do not make it too long, because I want to talk on something else.



Mr. HOBBS. I am not making it long at all. I am waiting patiently until the gentleman gives me an opportunity to answer the question; that is all.

All I want to say is that this bill is not one that has the same purview as the Connally-Smith bill, which was introduced here, which was to deal with war-time strikes, nor does this bill have for its object anything more than to plug the holes that have developed by experience in the enforcement of the Antisabotage Act, and that is all that is within the purview of it.

Mr. HOFFMAN. This bill is brought out here presumably to punish those who would interfere with the war effort. That is what it is brought in here for—at least, that is the statement of its sponsors—and yet the gentleman says—and it is no answer at all—that it is not intended to plug that particular hole—the hole caused by strikes and slow-downs. Strikes are one of the biggest holes of all in the production of war material and the sailing of transports and the delivery to ships and to the islands of war material. I say that is one of the biggest holes in the law or in our procedure and practice, but it is not plugged by this bill.

It was my privilege last Saturday to meet one of those men who had just returned from Guadalcanal—one who had served in Africa and the South Pacific. He said—and I have no reason to doubt his word—that for 5 days he was without food down there on the fighting front, and he said, "I do not mean without K rations"; he said, "Without anything to eat"; and yet here in America, in the factories, where they produce the things that the fighting men need, no effort is made to end nonproduction.

There is another thing about this bill that some of us do not like. I realize you cannot write a perfect bill, and I realize that you cannot even write into the law a provision to prevent mistakes in interpretation, whether they be willful or not.

I realize that you cannot prevent maladministration, but we should, if possible—and I propose to offer an amendment to cure it—prevent as much misadministration as we can.

As the gentleman from New York [Mr. FISH] said, here is this trial of those 29 so-called seditionists down here in Washington. This proceeding has been going on now for almost 2 years, the trial itself for 7 months, and to date, if I read the record correctly, there is not one particle of evidence of an overt act on the part of anyone which in any way tends to prove the offense which they stand charged with. And I hold no brief for any of them. But they are entitled to a fair trial under the Constitution.

How did the district court get jurisdiction? I am going to offer an amendment at the proper place which will provide that those accused under this act shall have the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law. That is not anything more nor less than the sixth amendment, and I know what

the answer will be. The lawyers and judges on this committee will say, "Well, that is in the Constitution; that is the law." The gentleman nods his head. Sure it is; but it has been disregarded time and time again.

You know how they got jurisdiction here in the District in this so-called sedition trial. A reporter for the Washington Post induced some of those people to write him letters to a fictitious address, he using a fictitious name, and then, when he received those letters here in Washington, the Attorney General said that all of those defendants had conspired together here in the District of Columbia. We all know that is not so, we know it is false. We know that history has never disclosed here in the United States a greater farce—and it has been so labeled by the Washington Post itself—than this so-called sedition trial. To guard against a repetition under this law I will offer the amendment to which I referred.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SABATH. Mr. Speaker, as to the delay in calling up this bill, it was due originally to the opposition of the very gentlemen, Mr. FISH and Mr. HOFFMAN, who have just addressed the House. For some reason both these gentlemen objected strenuously to any such legislation, fearing, as I believe, that it might affect others guilty of un-American activities and even those on trial in the District of Columbia for sedition. At that time it was believed it would be wise to postpone action on the bill before the House until those gentlemen could familiarize themselves with the bill and the fact that it aims merely to punish those guilty of sabotage, and nothing more. At that time some gentlemen were under the impression that we were trying by this legislation to deprive these accused of free speech and a free press.

I reluctantly take the floor now, not in any way to try to be unfair to the gentleman from New York [Mr. FISH], because I know he has rendered a great service to the country, has been a good legislator and an all-round splendid Member, but because I, unfortunately, could not agree with him when from the very beginning he charged every progressive with being a Communist. How he got that way I do not know, and I am not going to go into it, but I always believed he was misled by people who were not honest with him.

As to the charges that these seditionists did not have an opportunity to defend themselves, he himself said they had been on trial now for more than 6 months. They had to kill a splendid judge by the annoyance to which he was subjected by 20 of the lawyers representing these defendants.

I think if ever defendants, charged with sedition or any other offense, had an opportunity to defend themselves, surely these 26 men and 1 woman have had that opportunity. The gentleman complains that no outstanding constitutional lawyers came to their rescue or to their assistance. I venture to say that these constitutional lawyers realized their guilt and that is the reason

they did not want to get into the case. Now, I am as much in favor of free speech and a free press as anyone in the House. I believe in freedom and liberty that is granted to us under the Constitution. I will go as far as anyone to defend that right of free speech and of a free press, though frequently abused. But there were times when the accused who are now on trial have been guilty of trying to create revolution. The gentleman from Michigan [Mr. HOFFMAN] says he never read about it. Why the record is full of it, where they were trying to overthrow our Government by force. That is why they are being tried. Now, lest I forget, only a few weeks ago I read the evidence of the former mayor of Danzig and former friend of Hitler. He testified under oath in the trial here in the District only a few weeks ago in the sedition case that he had several conferences with Hitler, and in 1933 and 1934 Hitler explained to him how he was going to soften all those countries that refused to yield to him by his system of fomenting discord and disunion all through the nations that he would eventually control, including the United States. I wish the gentleman from New York [Mr. FISH] and the gentleman from Michigan [Mr. HOFFMAN] would read that testimony. That man testified in open court, under oath, about the aspirations of Hitler and those who conspired with him and Mussolini and Japan later to destroy that very freedom and liberty stressed by the gentleman from New York [Mr. FISH], and deprive us of free speech and deprive the press of its rights and privileges granted by the Constitution. Not only that, you gentlemen read the evidence of Colonel Donovan. Colonel Donovan, 3 years ago, reported after a thorough investigation, under direction of the Department of Justice, that more than \$200,000,000 was sent to the United States, money sent here by Hitler, Goering, Hess, Ribbentrop, and all that murderous gang, allegedly to be kept for the personal accounts of these scoundrels.

These millions sent here and to South and Central America were not for the personal accounts of these men, but were sent for the purposes of propaganda, publicity, and seditious un-American activities; yes, treasonable activities. Even the McCormack committee and the Dies committee and the final report of Colonel Donovan, who is doing such splendid work abroad, pointed out that many organizations, under the leadership of Viereck, Pelley, and the bunds, have been built up for the purpose and with the deliberate intention of creating discord and disunity in our midst and effecting an overthrow of our Government by revolution, peaceably if possible, by force if necessary.

I had not expected to answer the gentleman from New York [Mr. FISH], but I cannot resist pointing out that his accusations against the Department of Justice that these men were unjustly indicted and are being unjustly and unfairly tried are not justified by facts.

I wish I had time to collect at least a portion of the evidence that has been

presented to the McCormack and Dies committees and the reports I have read in the press and the trial evidence which clearly show that there was cooperation and coordination between these accused, under the leadership of Sylvester Viereck, and the Hitler agents and Quislings. Do not the gentlemen from New York and Michigan [Mr. FISH and Mr. HOFFMAN] know that several of these defendants now on trial have already been convicted of kindred offenses?

The gentleman from New York [Mr. FISH] states that he has no interest in those now on trial, or words to that effect, and I believe him, because I could not feel that he could be in sympathy with their un-American, seditious, subversive activities over the last 5 years.

Now if the gentleman feels that an injustice has been done to the bund leaders, to Mr. Viereck and to Mr. Pelley and to some others who are on trial now, I regret it; but I feel that in any other country but ours, those men would have been taken to detention camps long ago, would have been tried, not only for sedition but for treason, probably shot, if only half the supported charges that have been made were lodged against them. So I regret that the gentleman from New York [Mr. FISH] complains of the alleged unfair treatment being accorded these accused. For years the gentleman from New York [Mr. FISH] and others shouted "Communism! Communism!" I remember when some of us tried to defend the Spanish Government against the Hitler-Mussolini manipulators and Franco, who were trying to overthrow the regularly constituted Government in Spain, a democratic government, were charged with being Communists, because we went on record as defending the legal democratic government of Spain. Many outstanding Americans were shamefully smeared and charged with being Communists or being associated with communistic fronts. I recall the many charges against Stalin and Russia by the Fascist group, and I long ago assured the House that, instead of fearing Stalin and his activities, we would some day approve these despised Russians, whom the world today recognizes as the force that is making it much easier for us to defeat Germany and Japan.

I hope this will be the last time that I shall be obliged to answer some of the charges against the administration, or against those who, under our legal processes, including the F. B. I., are obliged to proceed against people who are guilty of conspiracy against this great Government of ours. I hope that in the future those misled men and women, misled by Viereck and his stooges, will realize that they have been fed untruths and lies, and henceforth will be on guard against any such ingenious propaganda and deceit; because they can hardly be against America and our democratic form of government. Oh, it may not be perfect, but by the eternal Gods, after all, it is the best Government in the world. I hope it will continue, and that the people will not be misled by those who are trying to create discord and revolution and attempting to overthrow this great Government of ours.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HOBBS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3442) to amend sections 1, 2, and 3 of the act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918, as amended (40 Stat. 533; U. S. C., title 50, secs. 101, 102, and 103).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3442, with Mr. SMITH of Virginia in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. SUMNERS] is recognized for 30 minutes and the gentleman from New York [Mr. HANCOCK] is recognized for 30 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, we have now come to the two controversial amendments. One of them substitutes the word "knowing" for the words "with reason to believe." This amendment would render almost impossible the enforcement of the antisabotage statute of this Government for the very simple reason—nothing technical—that when you require the Government to prove that the saboteur knew in fact, it makes no difference what, you have assumed an almost impossible burden of proof. Therefore, inasmuch as the statutes of the United States are full of similar phrases to the one employed which the first committee amendment would strike out: "With reason to believe," I cannot see any reason why the gentlemen fell into the error of proposing the striking that phrase out of the bill and substituting the higher degree of proof which now would be required by substituting the word "knowing." In other words, you can prove facts from which any reasonable man would conclude that such and such an allegation was true; and that is all that should be required.

But if you have to prove the knowledge which is in the mind of the criminal it is an almost impossible task. The Department of Justice therefore is pleading that this amendment, adopted by what happened to be the majority of the members of the committee present when the vote was taken, be not agreed to and that the bill be restored to its original form. The Government could and should prove the facts, circumstances, and conduct of the defendant, but how can proof be made otherwise of the criminal scenter? The defendant can testify that he did not know, but the prosecution is never permitted

by the rules of evidence to adduce evidence that the defendant did know. So such an amendment would hamstring the enforcement of the antisabotage law. Sabotage, especially in wartime, must be stopped. It cannot be stopped if we emasculate the law to stop it.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am always delighted to yield to the distinguished gentleman from Michigan.

Mr. DONDERO. How many members are there on the Judiciary Committee?

Mr. HOBBS. Twenty-five.

Mr. DONDERO. Thirteen signed the minority report.

Mr. HOBBS. That is true, but all of them were not there when the vote was taken on either of these amendments.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Certainly, sir.

Mr. VORYS of Ohio. I find in a letter from the Under Secretary of the Navy the recommendation that sections 4, 5, and 6 of the original act be repealed; that otherwise the bill would be cumbersome. I was wondering what the committee had done with that suggestion.

Mr. HOBBS. With all respect to the gentleman from Ohio, and I know of no one whom I respect more, that is water that has gone over the dam. That was considered. That is not the letter with reference to the then latest draft of the bill, if my recollection is correct. The reference in the letter which the gentleman read was to sections 4, 5, and 6 of the peacetime antisabotage statute, not this one, which covers wartime only.

The second amendment which is controversial, and very highly controversial, would strike from the bill section 2, that grows out of the Anaconda Copper case, and I beg all of you to lend me your ears for a few minutes as I talk of that most heinous crime. There we have the conviction of eight members of the management of Anaconda Copper Co.'s subsidiary that furnished supposedly copper wire, in wartime, which was to be used, and they knew it, for the communications work of the armies defending Stalingrad. In the first morning's dew after the wire was stretched, it would not serve its single purpose, and when you took a piece of it and dropped it into a bucket of water it would dissolve in 30 minutes. They found, and the proof showed, that the testing machines in the plant had been "doctored" so that they would show a perfect piece of wire when as a matter of fact it was nothing but trash.

Section 2 provides that three facts will have to be proven and all of them: First, that the manufacturer willfully made the war material below the specifications, fixed by the Army or Navy; second, that it was made knowing that it was for the use of our armed forces or the armed forces of our allies in wartime; and, third, that the maker had reason to believe it was so made as to jeopardize the lives, the health, or the military operations of our armed forces. When all three of those elements concur, and when all three of those facts



are proven, then the guilty shall be punished for that kind of treason just the same as for any other. How anybody can oppose it I do not know. It is not aimed at the poor devil who pours the molten copper or who makes the steel from which our armor plates are rolled. It is aimed at the management that "doctors" the testing machines, that willfully furnishes a wholly inferior and dangerous war material with reason to believe that it will jeopardize the lives of our fighting men, their health, or their military operations.

Mr. Chairman, I submit this bill should be restored to its original form by the defeat of these two committee amendments, manifestly, as shown by the report, by a minority of the committee, but it happened to be a majority on the day the votes were taken.

As far as punishment is concerned, some gentlemen like our distinguished colleague, the gentleman from Massachusetts [Mr. LANE], object to the death penalty. I know of no reason why a man should not occupy "the hot chair" who is a traitor to his country, in wartime, and who willfully jeopardizes the lives of our fighting men; but if some Members disagree with that, I have no objection to the substitution of life imprisonment for the death penalty. Mark you, this is the mere maximum punishment under the law as it was written before the committee amendment striking out section 2 was proposed. The judge, in his discretion, could impose a 1-cent fine and a 1-minute jail sentence as the punishment to be meted out to the convicted criminal, under the bill as originally written, should he see fit. Only in the heinous, the most flagrant case, is the death penalty ever considered for imposition.

I urge the defeat of these two so-called committee amendments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HANCOCK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this bill was considered by the Judiciary Committee over a year ago. I did not know until just a few moments ago it was coming up for consideration today, and I am, therefore, embarrassed to admit that I am not prepared to discuss the bill in detail.

We are unanimous, I think, in agreeing that the purposes of the legislation are meritorious. It was reported by the committee at the request of the Department of Justice. The need for it is summed up in this one sentence, which appears in the letter from the Attorney General to the committee:

This legislation would accord an added protection to the Government against sabotage in time of war and would cure some grave defects and omissions in existing law.

I am inclined to agree with the gentleman from Alabama that the committee amendment, on page 2, line 4, which struck out the language "with reason to believe" and the substitution of "knowing", was a mistake. I do not believe the law could be readily enforced with the committee amendment.

I think section 2 was stricken out by the committee properly because the existing law and section 1 are adequate to

cover the situation which is sought to be reached by that section. Whatever we do with the amendments, I believe that the bill ought to pass. I think the House is familiar with the Anaconda Copper case which has been described by the gentleman from Alabama. We were told by the Department of Justice that the existing law does not reach that type of offense.

Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, as the gentleman from New York just explained, this measure came before the Judiciary Committee more than 1 year ago. It was reported with amendments on the House Calendar on November 5, 1943. As a matter of fact, the legislation was a little stale in the minds of each one of us, and just as the distinguished gentleman from New York said a little while ago, I did not myself know that this legislation was coming before the House until this morning.

The gentleman from Alabama [Mr. HOBBS], the author of this bill, has explained it very well before the committee. There are two major provisions which have an important bearing with respect to this legislation. The first one came in the amendment at the top of page 2 where the language "with reason to believe" was stricken out and the word "knowing" was substituted.

The distinguished gentleman from Alabama takes the position that perhaps it would be almost impossible to make proof under this measure, since the word "knowing" is now incorporated as a part of the bill. I cannot agree with that interpretation because the word "knowing" in its use in this particular measure, would have the same force and effect as the words "with intent" or "intending". All of us who have had experience in the trial of criminal cases, and in law, know that you are not required to specifically prove intent. That is shown by the circumstances, and that develops in the circumstances shown by the evidence in the trial of a case. Consequently, if that language is used in this particular statute, the word "knowing," which is used, would mean under the law that knowledge, the same as intent, would be proved by the circumstances. It would be inferred from the facts adduced upon the trial. The evidence would all be introduced before the trial judge, or the trial jury, and from all the evidence, and from all the facts, and all the circumstances, the question of "knowledge" would then be determined, and it could be inferred from the evidence which was introduced in the trial of the case. As I say, with respect to the word "knowing" in that first amendment at the top of page 2, the word "knowing" would have practically the same effect as if the words "with intent" had been used, and could be proved in like manner upon the trial of the case.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. LEWIS. The fact is that in a trial under this act the question of knowl-

edge would be a question for the jury to determine from all the facts of the case.

Mr. SPRINGER. The gentleman is entirely correct.

Mr. LEWIS. The thing the committee was afraid of was that if we used the language as originally inserted, the expression "with reason to believe," there might be a miscarriage of justice due to the broadened application of those words.

Mr. SPRINGER. The gentleman is entirely correct. That was the thought that predominated largely in the minds of the committee at the time this legislation was considered. As I stated before, the insertion of the word "knowing" in the section at the top of page 2 has practically the effect of "intentionally" or "with intent," and the proof would be practically identically the same. The trial judge or the jury trying the case would take all the facts and all the circumstances into consideration, and from the facts and circumstances introduced in evidence in the trial of the case would be determined the question of the knowledge or the question of intent on the part of the accused person.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Alabama.

Mr. HOBBS. May I ask the distinguished gentleman if he will refer to the case of State against McBarron, cited on the top of page 12 of the report, which states that the proof must show knowledge; and I call the gentleman's attention and that of the other Members of the House to the quoted definition of that.

Mr. SPRINGER. But the gentleman does not mean to say that the question of "knowledge" or the question of "intent" could not be inferred from the facts and circumstances which were introduced in evidence in the trial of the case?

Mr. HOBBS. The McBarron case, which was a well-considered case from New Jersey, which is a court of respect, says "No."

Mr. SPRINGER. But that case, if it so decides, does respect the fact that the circumstances have a bearing on that question.

Mr. HOBBS. That is right.

Mr. SPRINGER. That is the same as practically all authority on that question. The question of knowledge or intent is inferred from the evidence introduced. It does not have to be specifically proven as a fact.

Mr. HOBBS. I have the highest regard for the gentleman's legal ability and for his judgment, but I respectfully disagree with him.

Mr. SPRINGER. Going to the next question which has been raised with respect to this particular legislation, under section 2, which was originally stricken out by a majority of the Committee on the Judiciary because of the effect it might have hereafter, under the present and existing law we have section 103, and that is shown on page 9 of the report which the members of the committee now have before them. I want to read a portion of section 103 because it relates to matters identical with

those which are set forth in section 2 of the measure before us, which was stricken out, and I am convinced that it is broad enough to cover practically everything which is covered in section 2, which was stricken out by the committee.

Reading from section 103, the language is as follows:

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation, in preparing for or carrying on the war, or whoever with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made, in a defective manner, or attempt to make or cause to be made in a defective manner, any war material as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material herein defined, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than 30 years, or both.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my friend, the gentleman from Ohio.

Mr. SMITH of Ohio. How does the paragraph which the gentleman from Indiana just read differ from the provisions of the proposed legislation now before us?

Mr. SPRINGER. I have just stated that in my opinion the section which I just read, section 103, and which is now present law and in full force and effect, everything which is sought to be done under section 2 of this bill, which was stricken out in committee, can be done under section 103.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HANCOCK. Mr. Chairman, I yield 3 additional minutes to the gentleman.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my friend the gentleman from Wisconsin.

Mr. SAUTHOFF. Under that section which the gentleman just read, why can you not prosecute anyone who goes on strike in a munitions plant?

Mr. SPRINGER. Under the provisions of the present law, it relates to anyone who shall interfere with the preparation for or the carrying on of the war, or who shall interfere with or obstruct the United States or any associate nations in preparing for or carrying on the war. That is the specific language of that section of the statute.

Mr. SAUTHOFF. That is exactly it, "In preparing for," that means a munitions plant.

Mr. SPRINGER. But the point I was making, and the point which I wish to leave with the committee, is that under section 103 which is certainly broad and which can be interpreted to the extent that it will embrace everything, in my opinion, which could be interpreted under section 2, which was stricken out by the committee.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Is not the gentleman referring to section 102 instead of 103?

Mr. SPRINGER. I am referring to section 103, and section 102 of the present law, to which I now refer, also has practically the same force and effect. But with these two sections I think there is no doubt but that we can reach almost any case that could be reached under the section which was stricken out by the committee.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my friend the gentleman from Texas.

Mr. RUSSELL. In view of the statement which the gentleman has made, if it be true, then why the objection to section 2 of the bill which was stricken out? If it adds nothing to the bill and takes nothing away from it, then it would be immaterial, so far as giving effect to the bill, whether it is put in the bill or left out.

Mr. SPRINGER. Why have overlapping laws which would only serve to confuse the people of this country? That was the reason it was eliminated.

Mr. RUSSELL. Some of us think it covers other parties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Celler].

Mr. McCORMACK. Will the gentleman yield?

Mr. Celler. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I want to call the attention of the gentleman from Michigan [Mr. Michener] to a remark he made a little while ago about this being rushed through at the last moment, and desire to assure the gentleman that nothing like that is intended. This bill is now receiving its day in court the same as other bills do. Knowing the fairness of my friend I wanted to particularly remove that thought from his mind. This has been assigned on the program so that it could have its day in court.

Mr. MICHENER. I did not mean to leave any other impression.

Mr. Celler. Mr. Chairman, I believe that the committee amendment which strikes out the words "reason to believe" and substitutes "knowingly" protects civil liberties and that the bill as it was originally drafted would be a breakdown of our civil liberties. We must be very careful in that regard, particularly during time of war. According to the interpretation given by my distinguished Chairman of the Judiciary Committee it would be very easy for a prosecuting attorney to prove guilt if he only had to prove that the defendant had "reason to believe" the action of the defendant, be it concealment or the making of defective materials, would injure or interfere with the war effort.

All you would have to prove is that there was "reason to believe." A man may be ignorant. He may have been indifferent. He may have been apathetic. He may not have had the common sense that the gentleman from Texas imputes

to every man. He may have been a man devoid of common sense, yet you apply the same standard as you would to a man who was possessed of common sense.

We must be mighty careful how we protect the rights of defendants. It would be a lead-pipe cinch, using the words of common parlance, for a United States attorney to convict if all you had to prove was "reason to believe" according to the minds of jurymen and jurymen. Examine the criminal statutes in your home States, and you will find what? Not "reason to believe." You find that knowledge or intent must be proven, and we should not make it easier in a case of this character for a United States attorney to convict.

May I read to you briefly what is meant by the word "knowing" or by the word "knowledge"? You will find it on page 12 of the report, and I am reading a portion of a decision entitled "*State v. McBarron* (66 N. J. L. 680)":

Knowing: The significant word of the statute is "knowing," which means knowledge of, mental assurance, or scienter; it is positive, not negative. Such knowledge must be clearly proved or shown by such circumstances as leave no reasonable doubt in a fair mind.

If that is not a fair formula or fair standard, I will eat my hat.

Mr. HOFFMAN. Start in, brother.

Mr. Celler. We do not want any impertinent remarks from the gentleman from Michigan, and the gentleman from Michigan should be very guarded and careful in what he says.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. Celler. I refuse to yield to a gentleman who is as discourteous as the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. Celler. As to the second amendment I believe the gentleman from Alabama is in error. Section 1 of the bill as worded would enable a United States attorney not only to get after a principal, or the owner of a plant, but the man who drills or the man who welds, or any employee. The provision of the so-called section 2 of the bill of the gentleman from Alabama provided for a penalty of a million dollars and provided likewise for death or both. That is indeed frightening. That is Draconian, beyond the peradventure of a doubt. I do not think you want to go before the country and say that a man who has done these acts contemplated by this bill should suffer the death penalty. The gentleman from Alabama says one million is the maximum but the death penalty is also a maximum; but frequently the maximum becomes the accepted. The whole section is frightening. The section is so worded that it is possible, for example, for a man who has a large stock ownership in a corporate plant to get himself innocently within the meshes of the statute. We do not want to have a situation like that. A man may have been careless. His stock ownership may have been sufficiently



large to place the responsibility upon him without his knowing what is happening in that plant, yet he might be deemed guilty under the wording of section 2 as originally presented.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HANCOCK. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc., That sections 1, 2, and 3 of the act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918, as amended (40 Stat. 533; U. S. C., title 50, secs. 101, 102, and 103), are hereby amended to read as follows:*

*"That whoever, when the United States is at war, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on war, willfully injures, damages, destroys, carries away, conceals, tampers with, or makes or repairs or causes to be made or repaired in a defective manner, or sells or conveys or transfers or causes to be sold or conveyed or transferred in a defective condition, to the Government of the United States or to the government of any associate nation, any property, real or personal, which is being used or which is intended for, adapted to, or suitable for use in the preparation for or carrying on war, or attempts or conspires to commit any of the above acts, shall, upon conviction, suffer imprisonment for not more than 30 years or a fine of not more than \$10,000, or both.*

With the following committee amendment:

Page 2, line 3, after the second comma strike out "with reason to believe" and insert "knowing."

Mr. SPRINGER. Mr. Chairman, I offer a substitute for the committee amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. SPRINGER for the committee amendment: On page 2, line 4, after "believe", strike out "knowing that his act may" and insert "with intent to."

Mr. CELLER. If the gentleman will yield, will he read that line completely?

Mr. SPRINGER. The amendment would strike out "knowing that his act may" on line 4 of page 2, and insert in lieu thereof "with intent to", making the line read, "with intent to injure, interfere with, or obstruct the United States," and so forth.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. GRAHAM. Is not that just a restoration of the exact language of the present act?

Mr. SPRINGER. The gentleman is entirely correct. This amendment would restore to the measure now pending before the House the identical language incorporated in the act emanating from World War No. 1.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished majority leader.

Mr. McCORMACK. Mr. Chairman, if I understand the gentleman's amendment correctly, if this amendment is adopted, the first two lines then read as follows: "Whoever, when the United States is at war, with intent to injure," and so forth?

Mr. SPRINGER. The gentleman is entirely correct. That is the language which this amendment seeks to place in the bill.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished friend, the gentleman from New York.

Mr. HANCOCK. The gentleman's amendment, as read by the Clerk, does not quite do what the gentleman intends it to do. He should strike out the words "With reasons to believe, knowing that his act may injure" and substitute "with intent to injure."

Mr. SPRINGER. Mr. Chairman, my understanding was that the language "reasons to believe" had already been stricken out by the committee amendment.

Mr. HANCOCK. The committee amendment has been offered but not yet adopted. The word "knowing" will not be in the bill unless the committee agrees to it.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished chairman.

Mr. SUMNERS of Texas. I believe that language is fairly acceptable to the minority. I believe we accept that.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. CELLER. As one who wrote the majority report, that would be indeed acceptable to me, and those who joined with me in that report.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. McCORMACK. In order that there be no mistake, the reason that I asked the gentleman if that is the way the bill would read was because the gentleman's substitute, if adopted, would leave in the bill the words "with reason to believe." Therefore, I believe the gentleman should ask unanimous consent that his amendment be considered as a substitute for the committee amendment, and also striking out the words "knowing that his act may."

Mr. SPRINGER. Mr. Chairman, I stated this was a substitute for the committee amendment. That was to take out the language "with reason to believe" and also "knowing that his act may" and would substitute the language "with intent to."

Mr. McCORMACK. So long as it is understood and the results that the gentleman desires are accomplished, that is agreeable to me, because I think that the language of the gentleman's amendment "with intent to" would place the

burden of proof upon the Government to prove intent.

Mr. SPRINGER. Mr. Chairman, that really restores the language of the act of World War No. 1, and that is my intention by my amendment offered.

Mr. MICHENER. Mr. Chairman, I ask unanimous consent that the Clerk read the bill as it will be, if the amendment offered by the gentleman from Indiana is not adopted.

The CHAIRMAN. Allow the Chair to suggest, with the permission of the gentleman from Indiana [Mr. SPRINGER] that the Clerk read the amendment as he understands the gentleman from Indiana intends to offer it, if that is agreeable.

The Clerk read as follows:

Amendment offered by Mr. SPRINGER as a substitute for the committee amendment: On page 2, line 3, strike out the words "with reason to believe that his act may" and insert "with intent to."

Mr. MICHENER. Mr. Chairman, how will the bill then read?

The CHAIRMAN. Without objection, the Clerk will read the language as it will be if amended.

There was no objection.

The CLERK. The language will then read:

That whoever, when the United States is at war, with intent to injure, interfere with, or obstruct the United States or any associate nation, in preparing for or carrying on war—

And so forth.

Mr. SPRINGER. Mr. Chairman, may I say that is exactly as I had intended the language to read with my amendment and that is exactly the idea I had when offering the amendment.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. MICHENER. I quite agree with the gentleman that there is absolutely no difference between "knowingly" and "with intent to." You change the words but you have not changed the meaning.

Mr. SPRINGER. We have made the phraseology conform with the phraseology of the act of World War No. 1.

The CHAIRMAN. Without objection, the substitute amendment offered by the gentleman from Indiana [Mr. SPRINGER] is modified as read by the Clerk.

There was no objection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOLGER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FOLGER. Will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. FOLGER. Would the gentleman object to adding to his amendment a correction of the word in line 6, to change the word "injuries" to "injures"?

Mr. SPRINGER. I would see no objection. I really think that should be "injures" instead of "injuries."

The CHAIRMAN. The Chair believes it would be better to offer that as a separate amendment.

The question is on the substitute amendment offered by the gentleman from Indiana.

Mr. GRAHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the difficulty is this: In the act of 1918, the first three sections described war material, implements, and the like. Then the next three sections provided for the destruction, impairment, and so forth. This bill in the amendment which has been offered, the first section adds a conspiracy clause to the substantive acts, and provides for that. I agree with the gentleman from Indiana [Mr. SPRINGER] that in the restoration of the language—I will read the exact language he has sought to put in, in the first part of section 102, "when the United States is at war whoever, with intent to injure." That is the exact language as I understand it. If that were to be substituted as it is, well and good; but it does not include the conspiracy count, which is sought to be added, which provides a penalty of \$10,000 fine and imprisonment for 30 years. That is the difference in the two, as I understand it.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. VORYS of Ohio. I find in the existing section 102, as contained in the report on page 9, also the phrase "or whoever with reason to believe that his act may injure."

Mr. GRAHAM. That is correct.

Mr. VORYS of Ohio. So that both phrases are in existing law, and under the amendment you would use only the first phrase?

Mr. GRAHAM. That is correct.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. GWYNNE. Does the gentleman think the language "with intent to injure" is substantially the same as "knowing that his acts"?

Mr. GRAHAM. I do not.

Mr. GWYNNE. There is a difference there. Which does the gentleman think would be more favorable for the defendant?

Mr. GRAHAM. Having been a prosecutor, my judgment is it would be more difficult to prove "knowing that his acts" than it is "with intent to injure."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. SPRINGER] to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended by the amendment offered by the gentleman from Indiana.

The committee amendment as amended was agreed to.

Mr. SUMNERS of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS of Texas. Have we voted on the committee amendment, which I understand is on the desk, to strike out the word "injuries" and substitute the word "injures"?

Mr. HOBBS. That is not a committee amendment, but I would like to offer it.

Mr. SUMNERS of Texas. I move to strike out, in line 6, on page 2, the word "injuries" and substitute the word "injures."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas: On page 2, line 6, strike out the word "injuries" and substitute the word "injures."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. Whoever, when the United States is at war, being a party to a contract or subcontract for the production for or the sale to the Government of the United States or to the government of any associate nation of property intended for use in the preparation for or the carrying on of war or national defense, or having ownership in, or responsibility for the management of any facilities for the manufacture of such property or of any tool, implement, machine, utensil, or receptacle intended to be used in making such property, shall intentionally make such property or thing or cause it to be made below the standard or specifications provided for the same, with reason to believe that its defectiveness or inferior quality would endanger the life, safety, or health of members of the armed forces of the United States or of any associate nation, or the success of their military operations, or shall, with like reason to believe, sell, convey, transfer, or cause to be sold, conveyed, or transferred to the Government of the United States or to the government of any associate nation any such property or thing knowing it to be below the standard or specification provided for the same, or shall attempt or conspire to commit any of the above acts, shall, upon conviction, suffer death or imprisonment for life or for such term of years as the court may direct, or a fine of not more than \$1,000,000, or both.

Mr. CELLER. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. CELLER: Page 2, line 18, strike out all of section 2.

Mr. CELLER. Mr. Chairman, in connection with striking out section 2, I want to read to members of the committee a portion of a report, of which I had a part in preparing:

The committee gave consideration to section 2 of the bill and the provisions that were designed to protect manufacturers and businessmen against the possibility of groundless prosecution involving transactions in which they participated in good faith. There might be the possibility that criminal prosecutions could be successfully maintained resulting even in capital punishment in a close case where eminent engineers might disagree as to whether the war material was below standards or specifications provided therefor, and that they were so defective that the maker or seller would have reason to believe that its use would endanger the life, safety, or health of members of the armed forces or the success of their military operations.

I am sure we would all agree that we want to punish culprit who do the acts

contemplated by this bill, but we must be mighty careful that we safeguard the rights of defendants and that in close cases the innocent man will not have to go to jail; innocent men will not have to be electrocuted or sentenced to death and/or fined a million dollars as is provided in this section 2 as originally written; and because of the possibility, the many doubtful cases, the majority of the committee in their wisdom felt that the original section 2 went entirely too far; that other sections amply provide that the employer and employee who are guilty can go to jail under the conspiracy statutes. Punishment for conspiracy to commit sabotage by this bill is made the same as punishment for the principals; in otherwise, the principal and the coconspirators are all punished alike; and because thereof I feel—and I say this most humbly—that we should hesitate long before we leave section 2 as it originally was written. For that reason I hope the committee amendment will be adopted.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. REES of Kansas. There is no movement on the part of the committee to restore section 2 to the bill, is there?

Mr. CELLER. I think not. I hope the committee amendment will prevail.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 3, line 4, after the word "same," insert "or shall willfully refuse to aid in the production of materials to be used in the war effort."

Mr. HOFFMAN. Mr. Chairman, we have been told several times that this bill was necessary, that it was necessary to pass it at this time to aid in the war effort. We were told just a few weeks ago by the President that the delay in the production of materials for the war would cost the lives of American men.

We have been told by the officers of the Army and Navy that the war is not going any too well because the material necessary to carry on the battles is not coming to the front promptly. So I offer this amendment. I know of no reason why those who refuse to produce as well as those who interfere with the production of completed tools or injure completed tools or munitions of war should not have the law applied to their acts.

I want to read from a copy of the Detroit Free Press which I picked up out in the reading room. This is for Saturday, December 2, 1944. On the front page is this heading: "Strikes halt flow of war materials—Chicago Dodge plant facing shut-down."

Then it reads further on in the article:

Officers of the Navy and Army Air Forces late Friday criticized striking employees of two Detroit war plants, saying they are halting the flow of badly needed materials to the fighting fronts.

The strike in the aircraft-engine department of the main Dodge plant of Chrysler Corporation, in its third day Friday, will affect 31,000 workers in the giant Dodge Chicago plant unless it is ended promptly, an A. A. F. officer said.



As a matter of fact, there were three strikes, one in each of three departments of the company named above.

You may remember that the armed forces are now bringing back men from abroad. There were five, I believe, the other day who had their pictures in the paper and we read what they had to say when they were calling on the factory workers to get back on the job, keep the wheels turning, keep the flow of material coming out. Is it necessary to bring back men from the front to urge workers to keep going? I do not see any reason why the Congress should not put this little plug in there to stop the failure to turn out needed munitions.

Continuing, this article says:

The Detroit plant, where 1,100 employees are on strike, supplies pumps for those engines. Unless the strike ends by the afternoon shift Saturday, the Chicago plant's activities will be curtailed seriously, and if it is not ended by Monday, the Chicago plant will have to close, the A. A. F. officer said.

Just think of the boys over across the seas who need these bombers, and then of the fellows here in this country going on strike for one reason or another.

Mr. McCORMACK. Will the gentleman yield?

Mr. HOFFMAN. Yes; I yield to the gentleman.

Mr. McCORMACK. I would like to ask the gentleman is he in favor of section 2, or is he in favor of striking it out?

Mr. HOFFMAN. I am in favor of adding to section 2 after that word up there in the sixth line certain other language.

Mr. McCORMACK. Is the gentleman in favor of the section remaining in the bill, or being removed from the bill?

Mr. HOFFMAN. I think it should be in the bill.

Mr. McCORMACK. The gentleman thinks it should be in the bill?

Mr. HOFFMAN. It should be in the bill.

Mr. McCORMACK. Does the gentleman favor the death sentence?

Mr. HOFFMAN. Oh, no; I do not believe in the death penalty under any circumstances unless the one charged with the offense deliberately and willfully, knowing that other men will die on the battle line, does an act which results in death. But, if we are to have the death sentence imposed upon those in the armed forces, then, under like circumstances, for similar offenses, it should be imposed here at home.

I have never believed in the death penalty except under the most aggravated circumstances. We can so rewrite the penalty section which follows that no one will be unjustly punished. The death penalty is the maximum punishment and will seldom, if ever, be inflicted.

But remember the boys overseas are being shot and blown to bits and there is no reason why anyone here at home should escape punishment if he deliberately, with intent to impede the war, causes the death of the fighting men. Let all get equal justice under law, equal punishment.

All I am trying to do by this amendment is to make everyone, whatever his

position, whatever his duty, if he deliberately, knowing the danger, interferes with the war effort, subject to the provisions of the act.

When the lives of those who have volunteered, who have been conscripted, are in danger, no one should be favored or relieved from his patriotic duty, nor be exempt from punishment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

Mr. Chairman, I understand that the gentleman has offered this amendment as a joke. I do not believe anybody will pay any attention to it, because, of course, the answer is obvious. The pending measure, this antisabotage bill, does not include the Lord's Prayer, but we are all in favor of using that matchless prayer with consecrated fervor.

It does not include the crime of arson, or murder, or rape, but we are in favor of keeping and enforcing the laws against such atrocious crimes.

With reference to the committee amendment which would strike out section 2, may I read from the speech made by the Attorney General before the American Bar Association in regard to this bill:

The Nation has been outraged by the recent disclosures of the Department of Justice and the Truman committee of intentional evasion of Government specifications by producers of war materials and the palming off on the Government of seriously defective war goods.

The need for this legislation is dramatically illustrated by the Anaconda case in the northern district of Indiana, in which the company and 5 officers were charged with conspiracy to defraud the United States.

The Government was prepared to prove, and so stated to the court, that the defendant company supplied the Government with large quantities of defective wire and cable, and deceptive practices were used to conceal the defective nature of the product.

That is, doctoring the testing machines.

The wire and cable were for use of our armed forces and for lend-lease purposes.

A loan to Russia for the defense of Stalingrad.

The Government believed that only the imposition of maximum sentences would serve the ends of justice, and such sentences were recommended. Nevertheless, after acceptance of pleas of nolo contendere the court imposed fines and prison sentences; of 2 years or less and suspended the sentences.

So all we did was to license the convicted criminals by imposing fines. That ought to be stopped, and the 2 year penalty for that kind of treason ought not to be the maximum. Of course the gentleman from New York [Mr. Celler] in his argument takes the maximum as the minimum, or as the norm. How many times have lawyers seen murder cases go to trial, where the maximum penalty for first degree murder was death, but how rarely have they seen that punishment imposed? So I repeat, while this is a maximum, the judge can fine the convicted defendant 1 cent and

1 hour in jail. You might just as well talk about the foolishness of that punishment being imposed as the almost equally foolish thought that the maximum would be imposed except in the most extreme case. That is the answer to the distinguished gentleman from New York.

We insist that this committee amendment ought to be defeated, as well as the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am glad to yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Would the gentleman leave the words on page 2, line 23, "or having ownership in" in his amendment?

Mr. HOBBS. Yes, indeed, sir. I could not consent to those words being stricken out, because I believe that goes to the heart of the matter. We do not believe that the poor fellow who pours the molten copper to manufacture the wire, or who pours the steel, and who knows nothing about its constituent elements, ought to be punished. We are trying to get at the man who in ownership or in management willfully causes the war material to be so inferior as to be dangerous and willfully jeopardizes the lives of our fighting men.

Mr. SMITH of Ohio. This might bring in any stockholder of a corporation.

Mr. HOBBS. If he willfully participated in the treason he is guilty and should be punished according to the extent of his guilty participation.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Michigan.

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment to strike out section 2.

The question was taken; and on a division (demanded by Mr. HANCOCK and Mr. Celler) there were—ayes 62, noes 20.

So the committee amendment was agreed to.

The Clerk read as follows:

SEC. 3. For the purposes of this act "associate nation" shall mean any nation at war with any nation with which the United States is at war; and the government of an associate nation shall include any department of, bureau of, independent agency of, or corporation organized by or on behalf of, the government of such nation, and any person, corporation, or association acting as an independent contractor or otherwise in the production of property directly or indirectly for or the furnishing of property directly or indirectly to such nation.

"The Government of the United States" shall include any department of, bureau of, independent agency of, or corporation organized by or on behalf of, the Government of the United States, and any person, corporation of property directly or indirectly produced or otherwise in the production of property directly or indirectly for or the furnishing of property directly or indirectly to the United States.

The words "United States" when used in this act in a geographical sense shall include the Philippine Islands, the Panama Canal Zone, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States as thus defined.

With the following committee amendment:

Page 3, line 17, strike out "3" and insert "2."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 3442) to amend sections 1, 2, and 3 of the act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918, as amended (40 Stat. 533; U. S. C., title 50, secs. 101, 102, and 103), pursuant to House Resolution 566, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

#### DENTAL SERVICE OF THE NAVY

Mr. BATES of Kentucky. Mr. Speaker, I call up House Resolution 659 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4216) to provide more efficient dental care for the personnel of the United States Navy. That after general debate, which shall be confined to the bill and shall be continued not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendments the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. BATES of Kentucky. Mr. Speaker, I yield myself 2 minutes. The purpose of this bill is to make the dental service of the Navy more efficient. It proposes to do that by giving the dental officers a direct approach to the commander on ship and on shore. My understanding is that the vote was 21 to 2 in the Committee

on Naval Affairs and there was no opposition to it in the Committee on Rules.

Mr. Speaker, I now yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, we have no request for time. I think the rule should be adopted unanimously.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Vermont [Mr. PLUMLEY] may have permission to extend his remarks by printing an address he made this afternoon before the Women's Republican Club of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LARCADE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therewith a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. KLEBERG] is recognized for 1 hour.

#### AMERICA

Mr. KLEBERG. Mr. Speaker, as I address you, sir, on this occasion, I am deeply moved. This may be the last time my voice will be heard from the well of this Chamber. A veritable surge made up of human emotions, of the voice of conscience and of reason, fills me as I stand before my colleagues here today. My mind's eye flashes back over the time of life when as a boy, as a young man, and as a grown man with a fine family and my children, before I became a Member of this the greatest of deliberative assemblies.

Only yesterday, it seems to me, Speaker Garner administered the oath of office to me as a Member of this body in December of 1931. My associations here in this body have been too wonderful to describe in words.

As I look before me I see the faces of many dear and close friends I have made. I am filled with the consciousness of the tremendous educational advantage bestowed upon me by the beloved and great people of the district who honored me by choosing me as their Representative. All of this fills me with a gratitude which I find no words to express. Yes, Mr. Speaker, I am deeply moved.

The function of language is to utter intelligibly and audibly what we mean, I conceive it, likewise, to be the height of moral duty and obligation to mean what we say. I shall not violate that duty consciously. I truly mean what I say and what I shall say today.

First, I mean no sermon, I mean no lecture, I mean no criticism of individuals in the usual sense. No value attaches in my mind to the man who does what

he thinks is noble and good, but who deplores, criticizes, and assails those who do not imitate him. I have no desire to pose as a model for others and associate imperfection in those who are different.

For my part, I can and do despise an evil or a sin without despising the sinner. As a matter of fact, Mr. Speaker, I have a deep conviction that living creatures are far more precious under full analysis than are their deeds of bad or good. I hold it more than a propriety—yes, a sacred duty—however, to give warning to my friends and fellows on the approach of danger which perchance they may not discern; and, if by so warning them I may fend the danger before it is too late and may save them from total or partial danger and destruction, I shall feel my duty well performed.

In any event, if I am wrong and no danger comes—or, perchance, existed—no harm is done and my friend is safe and I am pleased.

Mr. Speaker, so strongly do I feel on this matter that, were I not to speak concerning matters of concern to my country, to my friends, my dear ones, and to me, I would feel that by keeping silent I would have committed my conscience, my very soul, to the horrors of drab and sordid harlotry.

Mr. Speaker, in that brief span of time known as life, during which we live and inhabit this good earth, we are filled with memories of the past. Some of these are historic and come from the inevitable knowledge of history one gains in the service of one's country here. Others of these memories come because of periods, events, and incidents concerning which we have actual, personal knowledge.

No selected premise from which we would reason to a conclusion is invulnerable, save the original which introduces the origin of the subject to be discussed. One naturally turns to times remote when the advent of man was first noted on this earth. Like other forms of life which came from the same source, he was born free and with the same singular instinct to resist and war against all and sundry that opposed his right to live.

From the earliest record of governments, then extant, we have found them to be governments over the people. There was a slight change as the ages rolled by, and man's ever ceaseless search to free himself from the bondage of other men began to be evidenced.

Your trained minds are better than mine, and I can jump sketchily without fear that your American minds will fail to fill in the gaps. Long before the days of the Roman Empire, this struggle for freedom began, and in the periods of the Emperors—Julius and Augustus Caesar, followed by Diocletian—we have the clearest example from history as to what I mean.

And without more ado, Mr. Speaker, witnessing what we have today, and looking back with but a glance, we must admit that man has reproduced in kind with little success and advancement if, in this era, he must go back to times remote for lessons and examples.



Yes, Mr. Speaker; but he must go back. Has memory waned, even though history has it, that these and particular examples were destructive errors to be guarded against? Years back had it not been for our forefathers in America here, there had been no such thing as freedom in the whole universe. Today, again, ere we lose it, and thereby blot it from the ken of mankind, we must awake. We must perform our duties and our obligations to those to come. We must realize at all costs to redress ourselves, and it will require wisdom and courage so to do.

The Greeks and the Romans once had the spirit of freedom, but they had not discovered the principle—though determined not to be enslaved, they bent all their power to enslave the rest of the world. At least on this undertaking we have not yet embarked.

Mr. Speaker, traffickers in destiny have brought our country to a point where it must choose rebirth or decay. We must choose between George Washington or Hillman—the forthright founder of American liberty or the sly artificer of oppression. We are at that time when we must choose. Yes, Mr. Speaker, and we must act.

The fourth term accomplished another step along the way and path of unbridled ambition when by a narrow margin Sidney Hillman saved it from defeat. In so doing Hillman rode three parties and fragments of other schools of thought into his present power. What a sorry spectacle. By his acts and his deeds of record, mean and false in his representation of himself, contemptible in the arts of tyranny and of smear, Sidney Hillman comes to power. The Nation that could wittingly exchange the leadership of such as Washington for the leadership of such as Hillman, in my opinion, would be lost beyond all hope. The Nation has neither wittingly nor thoughtfully made such a choice. Sidney Hillman is merely a pilferer of power, a noisome creature grown fat and lusty on dark contrivance, on vicious defamation, on petty tyranny. He stands merely as a symptom of depravity into which our political life has sunk.

Mr. Speaker, words fail me in my most earnest effort to make this clear to you and through you to America and Americans. When such a creature in effigy or otherwise sets out to make a dictator over the lives of a free people, the time has come to turn the searchlight of truth upon political conditions.

Sidney Hillman as a power in American politics is a violent offense to political decency. He is, however, but a symptom—an unpleasant one—of decay. This decay has been brought about by the substitution of propaganda for truth, deliberate confusion of public opinion, planned deception and corruption of our people, mixed with a little terror now and then—sometimes more, sometimes less. Terror, Mr. Speaker!

Black magic has been substituted for statecraft. The things I shall say to you here today will not surprise you who are loyal and faithful to American ideals. All the things I shall say to you here you yourselves with care-torn hearts

and minds have said in the privacy of repeated councils.

It is time to say to the people the things that you now say in your cloak-rooms and your offices. It is time to join issues. Preservation of the integrity of these United States is the most important thing in this world today, to all Americans and to the rest of this world. The worth of parties, of leaders of party politics, of the war effort itself can be tested in the light of this major responsibility. America, free, independent, herself is the first thing first for each and every American worthy of the heritage he has.

The preservation of the United States in its complete integrity and in its material strength is the master policy of all Americans worthy of the name. America did not send her sons to fight and die upon a hundred battle fronts under the inspiration of those who talked "globaloney." I accept the excellent coinage of the lady from Connecticut. A simple American named Simon invented a process to make your automobiles more lasting. You have all heard of—and some of you have had your car "simonized." America did not send her sons to war to Hillmanize America. Nor did she send them to write with their red blood America's approval of all of the injustices of European and Asiatic history. She did not send those sons to war to make the world safe for Marxism and the totalitarian way of life.

America responded to the call to make enormous sacrifice in a world-wide war to preserve America and the American way against all aggressors. So the people were told and so they have believed.

Ambitious men throughout history have trafficked in human blood, paying noble words and phrases and slyly reaping the harvests of their ambitions.

George Washington knew this. Read his Valedictory Address to the American people; engrave it on your hearts and minds. It is all-important in these times of world-wide war and reckless ambitions that issues shall not be obscured by tumults raised in behalf of things which are secondary. The major issue is, the United States of America, the only and last home of liberty and justice, must be preserved. America's strength must not be dissipated on any visionary international schemes. Her independence must not be sacrificed, curtailed, or impaired by any international centralization of power. Her self-determination, her expression of her right to be free, briefly, neither the sovereignty nor the welfare of the people of these United States can properly be used as poker chips in an international poker game. There must be no reckless betting of her independence, the self-determination of these United States, nor the solvency of her people upon any venture beyond the control of the people of the United States or without their knowledge. He who would deal rashly with the future of these United States is a public enemy. No leader or group of leaders, though gifted with arrogance and presumption, can take matters involving such issues out of politics.

If America is to surrender her independence or impair it and sacrifice her economic security on the speculation that the season has come in world affairs in which the lamb is no longer meat for the lion, then this rash speculation can only be entered into after the people shall have had opportunity to pass mature judgment upon the unveiled and clear-cut issue. Only the people themselves can take such an issue out of politics.

The conduct of the war and the making of the peace cannot be taken out of the political consideration and control of the people. Their consideration and control, despite all dramatic farce among a few leaders, are continuing and vital factors. Their sons are fighting the war; their future and freedom are involved in the making of the peace. America's economic future cannot be recklessly wasted and unnecessarily given away in the conduct of the war with any more propriety than these things can be done in time of peace. Nor has the way been cleared to compromise America's independence or security when a loyal opposition announces that it has removed peace-making from politics.

Preservation of America and Americans in their independence and in their blessings are first of all upon the list of responsibilities of "We, the servants of the people." Leaders who do not realize this have become far too big for their breeches.

It seems to me most disquieting that the people have been prevented from voting upon fundamental issues in recent years. Some mysterious arrangement has been had in the last three elections that has affected to take fundamental questions out of politics, with the result that the sovereign people have been prevented from expressing themselves thereon.

The New Deal's first term presented to America many Marxist laws, such as, and including, the almost complete Fascist state known as the N. I. R. A. These measures, radically changing the form and spirit of our free government, were slickly and smoothly represented to the people as temporary emergency measures. They were accompanied with constant and skillfully designed prattle in praise of democracy.

This Fascist state was annulled by the then Supreme Court, but many of the temporary Marxist alterations in our free government have become parts of what is now called our leftist government, still trending left.

Free America now speaks in the terms of Europe's house of bondage. Whoever may be the real authors of this planning—and I once asked them from this well to stand up and be counted—did not have the strength in 1936 openly to avow the nature of their program, so they talked much of democracy, of saving the American way of life, of enlarging human rights, and of social security. Above all, they insisted vociferously and continuously upon the wickedness of everyone except themselves. Planned betrayal was thus kept concealed by a confusion thrice multiplied and confused.

The opposition party contributed their full share to this confusion. I do not know who converted what should have been the Republican Party to the cause of Marxism, but I do remember that this party, under the leadership of Landon, launched upon a series of the weirdest and oddest political campaign gyrations in history. In effect, Mr. Landon took domestic Marxism out of politics. The burden of his whole opposition was, "All things that the New Deal has done are good, but we Republicans could do them better and perhaps more frugally."

Thus was born the first "me, too" campaign. Perhaps the most important issue in the history of our country has been raised by the New Deal's totalitarian modifications of our free government. But the adroit managers of this new despotism, all dressed up in the rags and tatters of a people's front, by sheer mental control of the opposition prevented the people from having opportunity to pass upon this issue.

There followed then the audacious assault upon the Supreme Court and a spectacular international policy of nagging and general irritability, while supplying the aggressors with the needed sinews of aggression.

Meanwhile the totalitarian trend here at home went grimly forward. The Marxist issue had increased in urgency by the campaign of 1940, and to this issue was soon added the vital issue of war, of international alliances, and of commitments of the resources of the United States to the purposes of a war toward which we then maintained an attitude of declared and legalized neutrality.

It was of first importance in this campaign of 1940 that the people should have opportunity to pass judgment upon matters so vitally concerning their future and their destiny.

The then proponents of war and totalitarianism were still more careful in 1940 to prevent the submission to the people of the important questions raised by their actions. They even dared to violate America's sacred democratic two-term tradition, to keep continuity in their veiled and secret planning. Moreover, they maintained their remarkable sheer mental control over the operations of the opposition party.

Perhaps these planners calculated that the people would accept a third term in preference to the exponent of a "me, too" campaign.

There appeared, then, Willkie, to lead the Republican Party in "me, too" campaign No. 2. He brought some personal color and a burlesque crusade into this astounding betrayal of the people—a betrayal which cheated them of their right to pass judgment on the control of issues that most seriously concerned their future. Republicans then, for reasons best known to themselves, took domestic Marxism out of politics and also stepped toward war, which we in this body know well.

Candidate Roosevelt, in that campaign, furnished effective spoken opposition, however, to New Deal plans when he won the election by many solemn

promises, none of which have borne fruit.

Such excellent concealment of their Marxist and international programs proved that these mysterious manipulators still did not dare in 1940 to avow their purposes to the American people. Cunning and concealment are never expressions of good faith.

Let us see if this truism only fails to apply in the case of the New Deal. There was a time in that period when an effort was made to dispose of the name New Deal. Let us see what these inner planners have promised through their spokesman. They have promised frugality, democracy, free enterprise, reform, recovery, tolerance, peace, plenty, and "four freedoms." However, they have practiced prodigality, totalitarianism, sabotage of business, corruption, depression, intolerance, war, famine shortages, and many tyrannies.

This inner Marxist New Deal revolution, in whatever aspect seen, is a revolution promoted in bad faith and secrecy. The truth has not been found in it, and where truth fails all virtue fails. Black magic, indeed, has been practiced to beguile a free people. But the historic crime—that infamy which will cling to it as the years roll into centuries—is that it has deliberately polluted the moral climate of liberty in this, her chosen abode. That was a crime against humanity.

"Hungry men cannot eat liberty," New Dealers intoned in the early days of their power, when they first offered their mess of pottage for the priceless heritage of our people. No; one cannot eat liberty, nor honesty, nor truth. Yet millions of men have sacrificed their lives that those coming after them might enjoy these highest celestial blessings. On the burning sands and in the dark jungles of the South Pacific and of southern Asia and in the sleet and mud of Europe our young men are daring death and torment for the sake of liberty. The Goddess of Liberty still looks out from her post in the harbor. Did these revolutionaries think to tell them that liberty cannot restore their lives once given? When these men return from the torments of their self-sacrifice—those who do—will New Deal cynics dare tell them that bread is worth more than liberty? Shabby revolution! Shabby slogan!

As the light of liberty dims in this great Nation, so dims the hope of progress for all mankind. If we suffer political racketeers quite to put this light out here, we will not only fail our own historic mission but we will quench and still the faith of men throughout this world in human destiny.

Think, my colleagues, the most precious export ever sent from these United States was the daily news to the world that men were free and prospering. Men do not live by bread alone but gain their greater and mighty strength from faith, and free America was an evidence that faith was justified. America thus, by maintaining faith and liberty through good times and bad, has best served this world. Winston Churchill, harassed,

chubby, and now somewhat bewildered statesman, strove to put part of this into words when he accused this revolution which I have mentioned of leading the world back into depression.

Those who are keeping the flag of peace and of free government flying in the Old World—

He said—

have almost a right to ask that their comrades in the New World should during these years of exceptional and not-diminishing danger, set an example of strength and stability. The well-being of the United States may spell not only the well-being but the safety of all sorts and conditions of men.

Mr. Churchill made this appeal to reason when and where only cunning governed in the pre-war year of 1937. These New Deal revolutionaries, heedless, callously continued their adroit assault upon American free enterprise and upon our free people. It was not in their program to set an example to the world of a free people's strength and stability. They said they proposed to make democracy work. They never admitted that the word "make" was from the word "go," an incompatible and an impossible consort to Miss Democracy. They should have let democracy work. They should have aided democracy in its struggle to keep us free and true.

Did the chaos and confusion that was the New Deal United States cause chaos and confusion to overtake the rest of the world? Flash your minds back to the remote ages of the past and to the thousand years of night which followed this noble experiment then. Was not only the well-being but the safety of all sorts and conditions of men in Europe and Asia lost as the light of American ordered liberty dimmed? Was Winston Churchill a prophet? In this, I believe he was.

Let us return to the record. The mysterious and still carefully unexplained tragedy at Pearl Harbor blossomed as the fruit of the New Deal's diplomatic efforts in the Orient, and this tragedy joined America in wars all around this world. Despite the fact that this tragedy has cost each and every American so dearly, the people are still denied the truth concerning it. Marxist manipulators have abused the war emergency to speed up the transformation of a free people into the labor battalion bondage of the totalitarian state.

The totalitarian state now raiding and ravaging our United States aided and abetted and urged on by profiteers in war, have regarded the war emergency as made to order for their perfidy. We speak in bated breath these days because we are patriots; we now speak in the open because we are patriots.

Fattening on easy earnings in the Office of Price Administration, the War Production Board, the Foreign Economic Administration, the War Manpower Commission, in the Office of Defense Transportation, in the War Labor Board, the Maritime Commission, in the Federal Communications Commission, and other agencies, the war their windfall of opportunity to throttle liberty, these sleek Marxists are fixing totalitarian controls upon almost every action of our



once free citizenry. They are grinding out day and night Marxist-decree laws with the high elasticity which comes from elaborate obscurity—laws that are designed to bind this giant, the new Gulliver whose freedom once was the inspiration of the whole world; yes, to bind this Gulliver as by a million threads—laws not made by the representatives of the people, by the Congress, under constitutional authority, but laws by regulation, directive, and decree which by-pass, ignore, and set aside. This evidence and mainstay of liberty in its only home in all this world must be preserved.

These totalitarian raiders are multiplying a comparable Russian tyranny over the breadth of our land with their agency police, their "kangaroo courts," their cruel and unusual punishments, their constriction of small business in the main, their petty terrorizations. These things our people have permitted them to do on their sly but unproved claims of war necessity. They scream against any accounting as a menace to the war effort. I recently asked for one in a bill which lies pigeonholed. The greater menace far is the sum of their crafty plans in concealment, the plans we know not of, as yet, the plans which are to come.

These revolutionaries are enemies of American liberty, make no mistake about it. And most recent history has demonstrated again that enemies from within are far more dangerous than is the foe without. You have been warned of this before. There is ultimate disaster, inescapable, if free Americans continue to permit this slick totalitarian band to ravage uncurbed our free institutions here at home.

In the Congress of the United States lies the hope of freedom throughout this world. Think well, and act courageously. Beware of the war emergency that is cried as an excuse for each new invasion of the people's rights and liberties. Beware of the war emergency as a gag upon free speech, today the most essential of war materials. See to it that free speech maintains the highest and first priority. See to it that it be heard by Americans everywhere.

Just the other day those who talk so glibly of "four freedoms" for all the world, while silently but effectively throttling freedom in America, by some unusual and despotic use of power and influence, sought to banish from the airways the voice of an unrevolutionized American who was their critic, the commentator, Upton Close, whose fault was that he courageously opposed aggression against the liberties of our Nation. I hear he is now to be denied certain air channels which are the possession of our people.

The practice of this crafty group is to silence opposition. Are American soldiers fighting for such liberty as this? There is no time in the life of a free people—and God forbid there will ever come another time—when unsuppressed discussion is so important as it is in this time of war. Wars test not only the stamina of peoples but also the stamina of their institutions. Tyranny takes hold in time of war, after carefully

stifling free speech. I refer you to the best evidence—those living humans, the Nazi prisoners of war. There is no time in the life of a free people when free speech is as dear.

The forces of destruction once unleashed by the people must remain subject to their control, or they themselves, the people, must fall into subjection. Woe to him who calls forth a force he cannot manage. A free people must know the objects of the war they wage, must make sufficient sacrifice to gain these objects, must halt destruction and war sacrifice when once these ends are gained. A free people must control the agreements that are won by expenditure of their blood and treasure, and they must know what these agreements contain. Therefore, in wartime there must be a full and honest accounting to a free people if they are to remain free.

Now we are in the days when this subtle, implacable, and pusillanimous revolution is planning to spend the last ounce of America's remaining strength, if need be, to endow the world with a peace which is a product of the ambition of these planners, and whose context and contents and portents are still unknown to us, the people. Why can we say this with conviction? Because one man is contriving all arrangements in deepest secrecy and in far places. The objects of our war are made more uncertain by vague and dissimilar definitions. The lesser revolutionaries are insisting that the representatives of the people must be bypassed in the fixing of this peace. These several things establish the rule of duplicity. I make no charge. The record presents the facts.

What are the objects of the New Deal in its war with the new order? Occasionally some crumbs of thought upon this matter fall from the lips of those who are planning in deepest secrecy the future of America and of the world. We have learned that we are fighting to destroy Berlin and Tokyo. These goals at least have the merit of definition. When Berlin and Tokyo are shambles, the task of war is finished.

We have learned that we are fighting to bring "four freedoms" to all mankind. This opens up unlimited speculation concerning the extent and the duration of this war. For example, must we at long last fight Russia, our ally, in order to gain freedom from fear for the Polish Kulaks, if there are any left?

Finally, we have learned that we are fighting to gain a lasting peace for all the world. The undertakings involved in the solution of this expansive problem appal the very mind of man to contemplate.

Our present new system of government in the recent campaign was self-confessedly the most effective factor in the foreign field that the world has ever known. It had worked with might and main for more than 8 long years for world peace. Glance over what it has achieved. What a commentary. Does this mean that we must fight on forever—or that we mean to enter an alliance with Britain, Russia, and China to rule the world in a testy peace for a little while? I am asking for information, informa-

tion which we, the American people, are entitled to have, which we must have.

We have heard more about the price of peace to America than we have learned about the nature of the peace we are supposed to buy. We have been given many hints by the revolutionaries. They have discovered that Americans must sacrifice their convenience, their comfort, their health, their sufficiency—even their solvency and security, if need be—to ensure these "four freedoms" for all the people of the world. They have discovered that Americans must be content permanently to lower their standards of living to a world level that the greed of the aggressor may be disarmed. The leveling process goes forward. Mr. Speaker, there has never been a leveling process which elevates; it always lowers.

The people have discovered that war controls must be continued upon Americans in peacetime in order that all the rest of the world, then blessed with "four freedoms," may support its unearned transformation in a style to which it has never been accustomed. Think that over.

By the way, we Americans have not yet grown accustomed to the present new way of doing business.

Such a preposterous idea of peace, of course, could not be safely submitted to the people as a campaign issue. It could not bear discussion. So, again, a "me, too" campaign was born. We are now in 1944. What more conclusive proof that these revolutionary plans are contrary to the interests of our people than this, that the planners fear to trust the people with a voice in their own affairs? The close and continuing agreement between the so-called party leaderships upon the fateful issues of Marxism and totalitarianism and internationalism wears every earmark of a strategy propelled from a single source which will betray this Nation before it can become aware.

These are the dangers of which I warn. This close agreement, in other words, wears the appearance of collusion. Let those who now shrink from liberty shrug off these things—the signs of these times.

The Republicans in the campaign just ended once more endorsed domestic Marxism, the conduct of the war, and vague New Deal peace proposals—proposals contemplating some division of United States sovereignty with a world authority, faintly characterized by its American architect as having the power immediately to arrest a people upon a warrant of its own. Think that over.

Mr. Speaker, I speak to you and to my colleagues as an individual, as an American individual, that individual whom the Constitution was created to protect in violation in his rights. I speak to you still, Mr. Speaker, as a representative from a great congressional district in the Congress of the United States. I speak to you, Mr. Speaker, as a Democrat who holds the belief that the Democratic Party was created to serve this Nation, not that the Nation should be called upon to serve the party.

The idea seems to be the setting up of an international Gestapo. The delegation of the power of compulsion to any international agency, however set up by treaty and wherever situate, involves

such serious considerations as involuntarily come to mind when we hear that this issue has been taken out of politics. That famous line of Pope, "Fools rush in where angels fear to tread," comes to mind.

Notwithstanding the fate of 135,000,000 individual persons involved in the peace plans, vaguely and disturbingly foreshadowed and now maturing in an atmosphere of furtive secrecy from beneath oak trees and distant corners of the world, the Republicans made carefree haste to sign a blank check on the bank of a great nation's destiny. This was an amazing evidence of irresponsibility. The Republican Party is perhaps the most obliging opposition that any group of revolutionaries ever had. So obliging and so gracious an opposition, of course, may be taking itself permanently out of politics.

The President, himself, though at one and the same time a candidate, commented on this odd phenomenon when he assured the people in a bantering tone that the opposition approved his domestic policies, his conduct of the war, his peace policies. This little gibe was meant, perhaps, to serve several purposes. Among these, one probably was to stress the fact that the betrayal of our people by the totalitarian forces gathered around the speaker was a responsibility shared equally by the leaders of the opposition. Indeed, there is compelling reason today for Americans to remain fully alert. My warning will not fall on deaf ears, though jugglers and showmen hold forth at every street corner in this fair land.

The time is here to guard the most precious and blessed home that ever a people had, lest thieves and worse than thieves destroy it, their evil maneuverings sheltered in fog and night. Let us show that this language is too mild by half to characterize foul things already done.

New Dealers started their careers with the endeavor to substitute the Fascist state, the N. R. A., for free America, and when an outraged Supreme Court forbade this violence, they attacked this great tribunal with smears and proposals to reduce it to vassalage. The home of American justice was attacked. Court packing failed before the people's wrath, but ever since all Justices appointed to this Court have been of New Deal faction and have indulged in statements such as "oversimplification," referred to before on this floor.

If further proof is needed, may I direct your attention to some vital facts with reference to upholding and defending the Constitution against all enemies, foreign and domestic. Our Constitution was a living and extant thing, antecedent to Government, which Government has borne the priceless fruits of continued American liberty for the past 160 years.

Let us face the facts. Every one of us in this Congress, on the Supreme Court—to which I have just referred—including the Chief Executive and the Vice President, are under identical oaths. Face these facts. Not long ago the Chief Executive sent a message to this Congress voicing dissatisfaction with the old

Bill of Rights, and stating that an addition or a substitution must be made thereto, a new Bill of Rights to adequately provide for our future. You all recall this. Under this old Bill of Rights the Chief Executive had stated that we had grown to our present strength, which, to say the least, was not inconsiderable, seeing that our Almighty God had seen fit to select this Nation and this people for the bearing of a responsibility unparalleled in the annals of all history.

Was he satisfied with the Constitution? Recall, if you will, the Guffey Coal Act and a letter to a Member of this body. Now travel with me to the west coast, where, in an address to Americans out there, the Vice President of these United States warned against a revolution but suggested that the revolution could be peaceful instead of bloody. You recall this speech—all of you.

I defend the Executive's right to say what he thinks. I want him to say what he means! And, like all other Americans, I expect him to mean what he says. This applies, too, to the Vice President and to all public servants in high places of public trust.

One cannot defend the Constitution of these United States while urging attack upon it or its change.

Finally, the underlings among these raiders have dared to assert and advance a Commander in Chief relationship between the President and the civilian—the Chief Executive and the people—thus boldly asserting that one who is merely a first servant has become a dictator over their destinies. He who needs more proof will still be unconvinced even when he feels the lash upon his naked back.

The time is here to guard our home. This Congress can do the job. I shall be represented as an individual by one who takes my place. I treasure it and prize above all things the right to say I am an American, and mean it while it still means what to be an American was intended to mean.

Let us consider wherein this home is like no other edifice reared by man in all his generations. Let us first listen to the solemn counsel of one of our founders—a counsel which should live on as a flame in the veins of all Americans who are true. George Mason, of Gunston Hall, a gentle Virginian, an American statesman, was the author of the Bill of Rights. Transmitting the incomparably precious heritage of free America to his sons, he enjoined them as follows from his will. I quote:

I recommend to my sons from my own experience in life to prefer the happiness of independence and a private station to the struggles and vexations of public business. But if either the inclinations or the necessities of the time should engage them in public affairs, I charge them on a father's blessing never to let the motives of private interest or ambition induce them to betray, nor the terrors of poverty or disaster or the fear of danger or of death to deter you from asserting the liberty of your country and endeavoring to transmit to their posterity those sacred rights to which themselves were born.

Let no one fail the obligations to free America noted in this counsel because some eminent and impudent totalitarian

screams, "This will impede the war effort!" or because some foggy internationalist exclaims, "This will cost the world lasting peace!" Our first charge is to preserve free America, because free America is an immeasurable good, and good things do not stand in conflict or in the way of anything but evil.

Mr. Speaker, I hold these things to be self-evident. It is our duty to survey the treasure that we have before we leave it to follow a mirage over a painted desert. All government, except American Government, has been the authority of a part to impose a way of life upon the whole. The whole, or the mass, has reacted upon authority by outcry, by tumult, and by rebellion, by economic strikes, by petition, by persuasion and by votes. But always the authority has been the sovereign. The term "sovereignty" expresses a power to act without any limitation other than limitations which are self-imposed. Nowhere but in America has the inalienable right of the citizen been recognized, that God-given right to life, liberty, and the pursuit of happiness. The last term is expressive of the right to self-development. We speak of this in our practical conversation as opportunity—and America has been rightly called the land of opportunity.

We hold from our common God that priceless, all-embracing gift, which so far as men are concerned contains all other things worth having—life, physical, intellectual, independent and moral life. Life is existence, and with it from that same source come faculties; and with life and those faculties, assimilation accompanies. In other words, life, liberty, property—that constitutes an American.

Concerning these three things I say without fear of successful contradiction, and apart from all demagogic subtlety, that these are anterior and superior to all human contrivance and legislation. It is not because we have made laws that personality or life, liberty or freedom, and the pursuit of happiness or property exist; it is, on the contrary, because these existed beforehand and because we appraised them at their true worth that we Americans made laws. And in the organic law, the Constitution of the United States, you will find no place where that instrument mentions races, save in one article where the Congress is given the power to regulate commerce between the various States and the Indian tribes. There is no mention of group priority by race, by group, by party, or by faction. The Constitution was not made for that misguided group under the leadership of Sidney Hillman. The Constitution was not made as antecedent to our Government for farmers, for preachers, for soldiers; or racially for Irishmen, for Negroes, for Frenchmen, for Italians, or any of the other races of which America is made. If every man has the right to defend by force his person, his liberty, and his property, certainly a number of men have the right to combine together to extend, to organize, to create a united force to provide regularly for this defense.

Insofar as collective rights are concerned, those worthy of exercise in



America have their principle, their reason for existing, their lawfulness, based upon the right of the individuals which comprise the collective group. And this common collective force cannot rationally have any other end, nor any other purpose, than identity of purpose with the isolated forces of the individuals for which it is substituted. So, as the power of an individual cannot lawfully touch the person, the liberty, or the property of another individual, for the same reason this organized, collected common force cannot properly by law under the American system be used to destroy the person, the liberty, or the property of the individuals or classes of which this Nation is composed.

This is an unholy perversion of a force created by free gifts from on high, which it is our right and our duty to protect. Who shall say that force was given to us, not to defend our rights but rather to annihilate the equal rights of our brethren? This and other questions are before you, my colleagues, as I leave you.

Shall this force be used to destroy opportunity? God gave to man unlimited opportunity. All authorities, until America arose, have frustrated, restricted, repressed, and denied this gift of God to man. The American way is the only way of history that has left men free to find their opportunities in obedience to God's law of liberty. America was established for the individual and for the protection of his rights. It was a new thing of the spirit, a human institution, designed to fulfill the divine law of liberty for humanity under God—the first and only such institution in the whole human history. America affirmed the dignity, the freedom of choice and action, the opportunity for self-development of the individual in these governing principles, and it gave substance in fact and in law to these glorious ideals by deriving government, itself, from the sovereign individual. Hence that peculiarly inspiring American term, "We, the sovereign people."

America was established as a sweeping repudiation of all forms of tyranny. America is the incarnated wisdom of our Father who is in heaven. America has opened the way for each individual to find a self-development to an ultimate point at which the Golden Rule, enshrined in his heart, need be his only law.

America, that ever-resplendent thing of the spirit, took its origin from a concourse of sovereign individuals who made agreements to impose metes and bounds upon themselves, and so they have lived and so have endeavored to go on under the Constitution of these United States and under the constitutions of the several States.

This is the spirit, the law, and the life of America. This is the meaning of the thing we have. This thing is sacred beyond bread and meat, beyond party and ambition, beyond life itself. Life without it is worthless to a true American.

This thing is the true beacon in this present world of turmoil and confusion. America is a sacred, trust-free America, charged to us by divine Providence to defend to the uttermost for our posterity and for all humanity. For us there is no

higher duty. Recreant and wretched, indeed, are those who shall fail in this duty. Accursed be those impious Marxist hands now daring to hew furtively at the roots of liberty. How shriveled the soul that can entertain an ambition which endangers such a heritage.

Mr. Speaker, Americans must soon answer these fateful questions: First, whether a totalitarian United States, a Naziland, is too high a price to pay for such social security; and, second, whether submergence into a new world order is too high a price to pay for lasting peace.

The cause for innovation, however, is not nearly so favorable as I have stated it. There is nothing in the tragic record of totalitarianism that remotely assures social security. Its history in the past has it otherwise. There is nothing in the record of international arrangement that assures lasting peace. The record, moreover, is long. Both totalitarianism and international peace arrangements are almost as old as governments among men. Hitler, Mussolini, the Mikado, and Lenin are recent exponents of totalitarianism.

There is much to indicate that there are those in highest place within our system who are of that mind. All of these have proposed to revive international political arrangements to ensure lasting peace. To me it seems the vanity of vanities to gamble our precious liberty upon the mere chance that a good dictator will provide to us, as wards of his government, social security. To me, it seems a crime to gamble our country's independence upon the mere chance that an international authority might maintain a just, lasting peace.

This must be kept clear in mind. We cannot gamble with some of our individual liberties and keep the other parts. The Germans recently learned this to their bitter sorrow. We cannot gamble with a fraction of our Nation's independence and retain the other fraction. Ambitious men who say we can are deliberately seeking to deceive, or, have ignorantly deceived themselves.

Mr. Speaker, let us examine sovereignty and that very false doctrine in connection therewith, which is industriously being propagandized and propagated to mislead America. This doctrine is being put forward in defense of the lasting peace that is now maturing in hidden places. Ambitious men are telling Americans that we can delegate a part of our sovereignty and still retain it unimpaired. They know they lie when they say this, unless they are ignorant; and if so, they are too ignorant! Sovereignty comprehends not a bundle of functions but an integral, the power to act without limitation other than that which is self-imposed.

It follows that sovereignty cannot be broken up, delegated, or shared and still be possessed. Sovereignty is indivisible. A nation is either sovereign or dependent.

When the member states of the Delian League delegated to Athens the power of compulsion, Athens absorbed the sovereignties of all these member states. History is replete with such examples. American sovereignty cannot be shared

through a delegate with any international centralization of power except at the peril of everything that now constitutes free America. The acceptance of such a vain peril is an issue still in politics.

Mr. Speaker, I am a Democrat; but above all, my allegiance belongs to our free America. I honor great and faithful Americans of the Democratic Party. I take pride in that party's traditions, and I have faith in the objects that these traditions have marked out as goals for America. But today I miss this party's influence in the affairs of state. Instead, I find an almost solid Marxist front, calling itself New Deal, except on election days when the bulk of its vote is registered under the symbol: "In the Democratic column."

The voice of this wary, subtle, sly, many-tongued, hydra-headed thing is the voice of Earl Browder, of Sidney Hillman, of Felix Frankfurter, and an endless line of those whose idealism has been put before you as part of this revolution against the very roots of liberty and freeman and freewoman. It is a composite voice like to nothing American. At election time it pretends to be the voice of Washington, Jefferson, Jackson, and Cleveland; but always its acts have been the acts that sprang from the planning of Marx, Engel, Lenin, Mussolini, and Hitler. Affirmations of the American way have served but as a smoke screen.

Mr. Speaker, these things have long been in my heart, but my head has reasoned constantly that such perfidy simply could not be true. If I may put it so, it has been hard to believe the things that I knew were true.

It is now some time since I knew that I must speak or forever after hate myself for failure in my duty to America—for failure in my duty to the people. I have waited until the election campaign was over, that what I must say I might say with deliberate detachment from all considerations except that for my country.

The time has come when our people must have an accounting. Toleration of betrayal within our home must be ended, or it will result in losing the war and also in losing the peace. Both of these have objectives; to lose these objectives is to lose both. It is urgent today that all true Americans exert themselves to the utmost to prevent these disasters.

I say to you, my loved and honored colleagues, that the vital issue before America today is not merely the winning of the war, but the making and the keeping of the war worth winning. It is the urgent duty of each American today to see to it that the sacrifices of this war shall not become a waste and a mockery.

And so, Mr. Speaker, I conclude with the prayer that Heaven may continue in alliance with you, my colleagues, in the defense, protection and preservation of that most priceless combination of celestial beneficence—the rights to existence, liberty, and the peaceful pursuit of happiness.

I go from among you free of all feeling of bitterness and disappointment, and with the everlasting affection, while I

still have life, of a devoted and affectionate friend.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GEARHART, for 2 weeks, on account of urgent business, public and private.

To Mr. SASSER (at the request of Mr. D'ALESSANDRO), for 1 week, on account of important business.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2004. An act to amend the act entitled "An act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes," approved June 11, 1942.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee did on December 2, 1944, present to the President, for his approval, bills of the House of the following titles:

H. R. 86. An act to grant pensions to certain unmarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905; and

H. R. 5386. An act to amend the Selective Training and Service Act of 1910, as amended, to extend the time within which application may be made for reemployment, and for other purposes.

#### ADJOURNMENT

Mr. ROWAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House, pursuant to its order heretofore entered, adjourned until Tuesday, December 5, 1944, at 11 o'clock a. m.

#### COMMITTEE HEARINGS

##### COMMITTEE ON REVISION OF THE LAWS

The committee will hold a hearing on Wednesday, December 6, 1944, at 10 a. m., in the committee room of the Committee on Agriculture, to consider H. R. 5450, to revise and codify the criminal laws of the United States and to hold public hearings thereon.

#### EXECUTIVE COMMUNICATIONS, ETC.

2059. Under clause 2 of rule XXIV a letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to repeal the act entitled "An act to authorize the conveyance of the old lighthouse keeper's residence in Manitowoc, Wis., to the Otto Oas Post, No. 659, Veterans of Foreign Wars of the United States, Manitowoc, Wis.," approved June 16, 1938, was taken from the Speaker's table and referred to the Committee on the Merchant Marine and Fisheries.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 667. Resolution for the consid-

eration of H. R. 5564, a bill to fix the rate of tax under the Federal Contributions Act on employer and employees for the calendar year 1945; without amendment (Rept. No. 2013). Referred to the House Calendar.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House report No. 2014. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. PATMAN: Special Committee on Small Business. Sixth interim report pursuant to House Resolution No. 18. Resolution creating a Select Committee on Small Business and defining its powers (Rept. No. 2015). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on Labor. H. R. 3985. A bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry; without amendment (Rept. No. 2016). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGHTON of North Carolina: Committee on Ways and Means. H. R. 5543. A bill extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code, and for other purposes; without amendment (Rept. No. 2017). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGHTON of North Carolina: Committee on Ways and Means. H. R. 5565. A bill to authorize collectors of internal revenue to receive certain checks and money orders in payment of taxes and for revenue stamps; without amendment (Rept. No. 2018). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. FULMER:

H. R. 5574. A bill to provide for the use of net weights in interstate commerce transactions in cotton, to provide for the standardization of bale coverings for cotton, to encourage the compression of cotton to higher density at gins, and for other purposes; to the Committee on Agriculture.

H. R. 5575. A bill to provide for the classification of cotton for producers, and for other purposes; to the Committee on Agriculture.

By Mr. MAY:

H. R. 5576. A bill to establish the grade of Fleet Admiral of the United States Navy; to establish the grade of General of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas:

H. J. Res. 320. Joint resolution proposing an amendment to the Constitution of the United States relative to the making of treaties; to the Committee on the Judiciary.

By Mr. OUTLAND:

H. J. Res. 321. Joint resolution extending the life of the Smaller War Plants Corporation; to the Committee on Banking and Currency.

By Mrs. NORTON:

H. Res. 668. Resolution for the consideration of H. R. 3986, a bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 5577. A bill for the relief of George E. Baker, to the Committee on Claims.

By Mrs. FULMER:

H. R. 5578. A bill for the relief of Mrs. Glenn T. Boyleston; to the Committee on Claims.

By Mr. O'BRIEN of Illinois:

H. R. 5579. A bill for the relief of Rosa Natalia Christopher; to the Committee on Immigration and Naturalization.

By Mr. WALTER:

H. R. 5580. A bill for the relief of the estate of Archie S. Woods, deceased, to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6229. By Mr. ROLPH: Resolution No. 4308, series of 1939, Board of Supervisors of the City and County of San Francisco endorsing House bill 735 covering personnel engaged in Army transport service in Spanish-American War; to the Committee on World War Veterans' Legislation.

6230. Also, Resolution No. 4307, series of 1939, Board of Supervisors of the City and County of San Francisco endorsing Senate bill 2105 known as the Hayden Federal-aid highway bill; to the Committee on Roads.

## SENATE

TUESDAY, DECEMBER 5, 1944

(Legislative day of Tuesday, November 21, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. John R. Edwards, D. D., associate pastor, Foundry Methodist Church, Washington, D. C., offered the following prayer:

Our Father God, earth is Thy footstool while heaven is Thy throne. May a sense of Thy nearness to us make sacred even the secular elements of life. We give humble thanks for our daily bread and the supply of harvests for the multitudes of earth. With these mercies give us a growing measure of experience in the realm of truth and higher attainments of character in all our daily living.

Bless those in responsibilities of public life whose words and decisions are so far-reaching. Be in the midst of those who are planning a new world order which shall displace the perils which have disturbed and endangered the Nation's life in recent years. Help them to attain the quiet mind, the far-reaching vision, and, in superior wisdom, the spirit of great unity. In this petition we claim the promise, if any man lack wisdom let him ask of God who giveth to all men liberally and upbraideth not; and we plead the merits of Christ our Lord. Amen.

#### THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, December 4, 1944, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.